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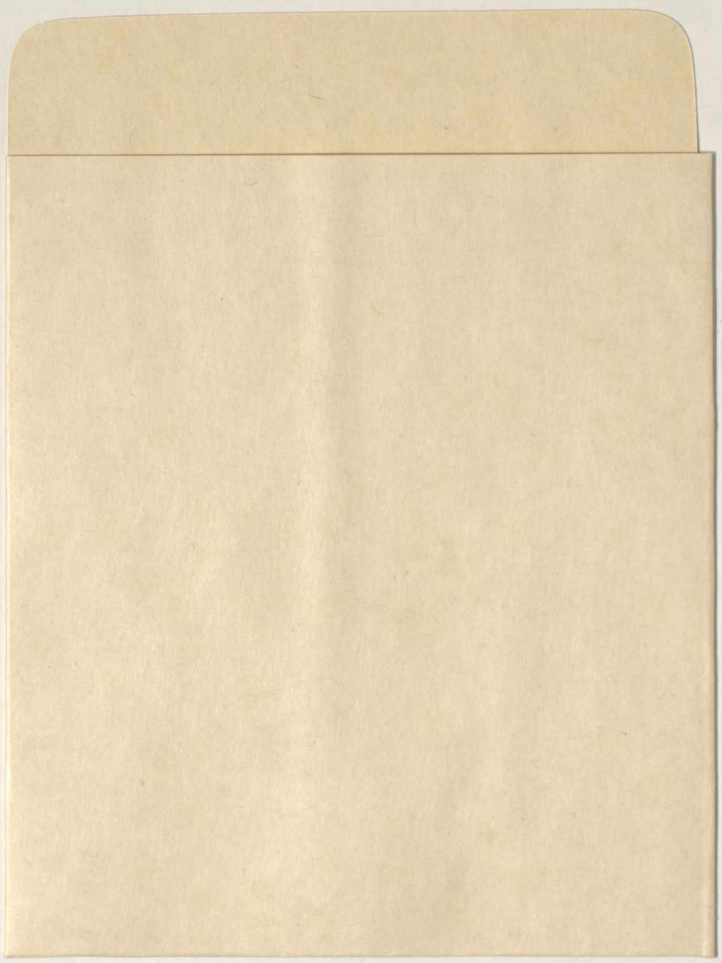

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2	An Act relating to Bankruptcy.	13	An Act to amend and consolidate as amended the several enactments respecting the North-West Mounted Police.
3	An Act to amend "The Insolvent Act of 1875," and the Acts amending the same.	14	An Act to reduce the Capital Stock of the Quebec Fire Assurance Company.
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8	An Act to ensure the better qualification of Public Servants, and the greater efficiency and economy of the Public Service.	19	An Act to amend the Act respecting the election of Members of the House of Commons. (37 Victoria, Chap., 9.)
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11	An Act respecting the International Bridge Company.	22	An Act to repeal the Insolvent Act 1875, and to make provision in li thereof.

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31 An Act to amend and consolidate the laws respecting duties on Promissory Notes and Bills of Exchange.

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35 An Act fixing the Rate of Interest in Canada and prohibiting Usury.

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38 An Act to amend the "Act for the repression of Betting and Pool Selling."

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60 An Act to amend "The Canadian Pacific Railway Act, 1874"

61 An Act to regulate Stock-Brokers and suppress Gambling in Stocks.

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63 An Act to grant certain powers to "*La Société Permanente de Construction du District d'Iberville.*"

64 An Act to amend the Act fortieth Victoria, chapter fifty-seven, respecting th Northern Railway Company of Canada

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66 An Act respecting the offices of Re ceiver-General and Minister of Publi Works.

67 An Act Respecting Census and Statistic[s]

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78 An Act to amend the relating thereto Loan and Invest so much thereof name to "The M sary, in the manner pany (Limited)." ioned, that is to end and advance

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80 An Act respecting tonnage dues levied Canadian ports under Canadian la

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84 An Act to repeal "The Supreme Exchequer Court Act," and the amending the same.

85 An Act to repeal the Insolvent Act 1875, and the Acts amending it, to make provision for the liquidation of the estates of Insolvents.

86 An Act to amend an Act further ing the Independence of Parliament

87 An Act to amend and consolidate the laws relating to Weights and Measures.

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An Act respecting the Harbour of North Sydney in Nova Scotia.

An Act to amend the Act respecting the Harbour of Pictou in Nova Scotia.

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nend "*The Indian Act*," 1876."

An Act to reduce the salaries and allowances of certain public functionaries and officers, and the indemnity to members of the Senate and House of Commons.

An Act to regulate charges on Railway Palace and Sleeping Cars.

An Act to provide for the salaries of two additional Judges of the Supreme Court of British Columbia.

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An Act for the Relief of Eliza Maria Campbell.

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100 An Act to amend an Act to Incorporate the Detroit River Tunnel Company.

101 An Act to amend the Act incorporating the Canada and Detroit River Bridge Company

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n Act to provide for the inspection, safe-keeping and storage of Petroleum and the products thereof.

105 An Act to further amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.

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E — An Act respecting Building Societies carrying on business in the Province of Ontario.

F — An Act further to amend the Act incorporating the London and Canadian Loan and Agency Company (Limited). Reprinted

G — An Act to amend the Act relating to Banks and Banking, and the Acts amending the same.

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J — An Act to amend the Act known as "The Canada Temperance Act, 1878," so far as the same may become applicable to the Province of Manitoba.

K — An Act for the relief of Eliza Maria Campbell.

L — An Act to provide for the Liquidation of the affairs of Building Societies in the Province of Quebec. amended

M — An Act respecting certain Ordnance and Admiralty Lands in the Provinces of New Brunswick and Nova Scotia.

N — An Act to amend and consolidate the several Acts respecting the Public Lands of the Dominion.

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An Act to amend the Act of the present Session, intituled "An Act to provide for the inspection, safe-keeping and storage of Petroleum, and the products thereof."

An Act for granting to Her Majesty s of s money required for defraying ces of t the public service, for the financ ding respectively the 30th June, 1879, a ne, d 1880, and for other purposes relati blic er service. zed

An Act for the acquisition by the Dominion of a certain portion of the Grand Trunk Railway, to be made part of the Intercolonial Railway

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No. 2.] **BILL.** [1879.

An Act relating to Bankruptcy.

WHEREAS it is expedient to consolidate and amend the law relating to Bankruptcy and Insolvency, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

Preliminary.

1. This Act may be cited as "The Bankruptcy Act, 1879." Short title.

2. This Act shall apply to traders and to trading co-partnerships, and to trading companies, whether incorporated or not, except incorporated banks, insurance, railway and telegraph companies. (Act of 1875, s. 1.) Application of Act.

The following persons and partnerships, or companies exercising like trades, callings or employments, shall be traders within the meaning of this Act :— Who are traders under this Act.

Apothecaries, auctioneers, bankers, brokers, brick-makers, builders, carpenters, carriers, cattle or sheep salesmen, coach proprietors, dyers, fullers, keepers of inns, taverns, hotels, saloons or coffee-houses, lime burners, livery stable keepers, market gardeners, millers, miners, packers, printers, quarrymen, share-brokers, ship-owners, shipwrights, stock brokers, stock jobbers, victuallers, warehousemen, wharfingers, persons insuring ships or their freight or other matters against perils of the sea, persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail, and persons who either for themselves or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or by the workmanship or conversion of goods or commodities or trees; but a farmer, grazier or common laborer, or workman for hire shall not, nor shall a member of any partnership, association, or company, which cannot be adjudged bankrupt under this Act, be deemed, as such, a trader for the purposes of this Act. Proviso: Persons excepted.

All such persons, co-partnerships or companies, having been traders as aforesaid, and having incurred debts as such, which have not been barred by the statutes of limitations or prescribed, shall be held to be traders within the meaning of this Act, but no proceedings under this Act shall be taken against such trader, based upon any debt or debts contracted after he has so ceased to trade. (Act of 1875, s. 1.) As to persons having been traders.

3. This Act shall come into operation on the first day of September, one thousand eight hundred and seventy-nine, except in respect of the making of rules, orders and forms When this Act shall come into force.

for proceedings under this Act as to the making of which it shall be in force from the time of its passing.

Interpretation clause.

4. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter assigned to them ; that is to say,—

County.

"County" shall mean a county, or union of counties; and shall include any judicial district in Ontario not organized into a county; and for all the purposes of this Act the temporary judicial district of Nipissing, in the Province of Ontario, shall be taken and considered as part of the County of Renfrew, and so much of the territory comprising the territorial district of Parry Sound and the territorial district of Muskoka as is not already included in the judicial county of Simcoe, shall be taken and considered as part of the said judicial county of Simcoe ; and all persons and Courts having authority or jurisdiction in the said counties of Renfrew and Simcoe respectively under this Act, shall have like authority and jurisdiction in the said district of Nipissing and the said districts of Parry Sound and Muskoka respectively. Act of 1875, s. 2, and Act of 1877, s. 31.

Court.

"Court" shall mean the Superior Court in the Province of Quebec, the Court of Queen's Bench in the Province of Manitoba, and the County Courts in the Provinces of Ontario, New Brunswick, British Columbia, and Prince Edward Island, and also in Nova Scotia, whenever County Courts shall have been established in that Province, and until such County Courts are established, it shall mean the Court of Probate of that Province. (Act of 1875, s. 2.)

Creditor.

"Creditor" shall mean every person, co-partnership or company to whom the insolvent is liable, whether primarily or secondarily, and whether as principal or surety. (Act of 1875, s. 2.)

Debt provable.

"Debt provable in bankruptcy" shall include any debt or liability by this Act made provable in bankruptcy.

Debtor.

"Debtor" shall mean any person or persons, co-partners, company or corporation having liabilities, and being subject to the provisions of this Act. (Act of 1875, s. 2.)

"Imprisonment" shall mean imprisonment in any gaol or place of confinement other than a penitentiary for any term less than two years, with or without hard labour.

Penal servitude.

Judge.

"Judge" shall mean a Judge of the said Courts respectively, having jurisdiction in the county or district where proceedings shall be had under this Act, and shall also include a Junior and Deputy Judge, when such are appointed. (Act of 1875, s. 2)

Liability.

"Liability" shall, for the purposes of this Act, include any compensation for work or labor done, any obligation or possibility of an obligation to pay money, or money's worth, on the breach of any express or implied covenant, contract, agreement or undertaking, whether such breach does or does not occur, or is or is not likely to occur, or capable of occurring before the close of the bankruptcy; and, generally, it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of money or money's worth, whether such payment be as respects amount fixed or unliquidated; as respects time

present or future, certain or dependent on any one contingency, or on two or more contingencies; as to mode of valuation capable of being ascertained by fixed rules, or assessable only by the Court or a jury, or as matter of opinion. (English Bankrupt Act 1869, s. 31.)

Official Gazette.

"Official Gazette" shall mean the Gazette published under the authority of the Government of the Province where the proceedings in bankruptcy are carried on, or used as the official means of communication between the Lieutenant-Governor and the people; and if no such Gazette is published, then it shall mean any newspaper published in the County, District, or Province, which shall be designated by the court for publishing the notices required by this Act.

Ordinary resolution.

"Ordinary Resolution" shall mean a resolution passed by a majority in value of the creditors present personally or by proxy at a meeting of creditors and voting on such resolution.

Imprisonment.

"Penal Servitude" shall mean imprisonment in the penitentiary with hard labour for any term not less than two nor more than years.

Prescribed.

"Prescribed" shall mean prescribed by rules of Court to be made as in this Act provided. (English B. Act, s. 5 1869.)

"Prescribed Officer" shall mean the officer named by the Court to take charge of the property of the bankrupt until a trustee is appointed.

Property.

"Property" shall mean and include money, goods, things in action, land, and every description of property whether real or personal; also obligations, easements, servitudes and every description of estate, interest and profit, present or future, vested or contingent, arising or out of incident to property as above defined. (English B. Act, s. 5, 1869.)

Secured creditor.

"Secured Creditor" shall mean any creditor holding any mortgage, hypothec, charge or lien, on the bankrupt's estate, or any part thereof, as security for a debt due to him. (English B. Act, s. 16.)

Special resolution.

"Special Resolution" shall mean a resolution passed by a majority in number and *four-fifths* in value of the creditors present personally or by proxy at a meeting of creditors and voting on such resolution.

PART I.

Adjudication and Vesting of Property.

Adjudication.

How a trader may be adjudged a bankrupt.

5. A single creditor, or two or more creditors, if the debt due to such single creditor, or the aggregate amount of debts due to such several creditors from any debtor, amount to a sum of not less than two hundred dollars, may present a petition to the Court, praying that the debtor be adjudged a bankrupt, and alleging as the ground of such adjudication any one or more of the following acts or defaults hereinafter deemed to be, and included under the expression "Acts of bankruptcy;"

Acts of bankruptcy.

Absconding. (1.) That the debtor has absconded or is immediately about to abscond from any Province in Canada, with intent to defeat or delay the remedy of or to defraud any creditor, or to avoid being arrested, or served with legal process; or that being out of any such Province in Canada, he so remains with a like intent; or that he conceals himself within the limits of Canada with a like intent. (Act of 1875, s. 3, *b*.)

Secreting effects. (2.) 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. (Act of 1875, s. 3, *c*.)

Fraudulent assigning. (3.) 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. (Act of 1875, s. 3, *d*.)

Conniving at seizure. (4.) That the debtor has with like intent, procured 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, founded upon a demand in its nature provable under this Act and for a sum not exceeding two hundred dollars, and that such process is in force and not discharged by payment, or in any manner provided for by law; (Act of 1875, S. 3, *e*.)

Being imprisoned on civil action. (5.) That the debtor has been actually imprisoned, or upon the gaol limits for more than thirty days, in a civil action founded on contract for the sum of two 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; (Act of 1875, s. 3, *f*.)

Making default to appear. (6.) That the debtor wilfully neglects or refuses to appear on any rule or order requiring his appearance, to be examined as to his debts under any Statute or law on that behalf; (Act of 1875, s. 3, *g*.)

Disobeying order for payment,— (7.) That the debtor wilfully refuses or neglects to obey or comply with any such rule or order made for payment of his debts, or of any part of them, (Act of 1875, s. 3, *h*.)

Or decree in Chancery. (8.) That the debtor wilfully neglects to obey or comply with an order or decree of the Court of Chancery, or of any of the Judges thereof, for payment of money (Act of 1875, s. 3, i.)

Assignment for creditors (9,) That the debtor has, in Canada or elsewhere, made an assignment or conveyance of his property for the benefit of his creditors; (Act of 1875, s. 3, *j*, Eng. B. Act, s. 6.)

Fraudulent conveyance, etc. (10.) That the debtor has, in Canada, or elsewhere, made a fraudulent conveyance, gift, delivery, or transfer of his property, or of any part thereof; (Eng. B. Act, s. 6)

(11.) That the debtor permits any execution issued against him under which any of his chattels, land or property, are seized, levied upon, or taken in execution, to remain unsatisfied till within four days of the time fixed by the Sheriff or officer, for the sale thereof, or for fifteen days after such seizure, subject, however, to the privileged claim of the seizing creditor for the costs of such execution, and also to his claim for the costs of the judgment, under which such execution has issued, which shall constitute a lien upon the effects seized, or shall not do so, according to the law as it existed previous to the passing of this Act in the Province in which the execution shall issue; (Act of 1875, s. 3, *k*.)

Allowing execution to remain unsatisfied.

Proviso as to costs.

12. That the debtor has filed in the Court in the prescribed manner a declaration admitting his inability to pay his debts; (Eng. B. Act, s. 6.)

Declaration of insolvency.

(13.) That the petitioning creditor has served, in the prescribed manner, on the debtor, a debtor's summons requiring the debtor to pay a sum due of an amount of not less than $200, and the debtor has, for the space of *three weeks*, succeeding the service of such summons, neglected to pay such sum, or to secure or compound for the same; (Eng. B. Act, s. 6.)

Service of debtor's summons.

But no person shall be adjudged a bankrupt on any of the above grounds unless the act of bankruptcy on which the adjudication is grounded, has occurred within six months before the presentation of the petition for adjudication; moreover the debt of the petitioning creditor must be a liquidated sum due at law or in equity, and must not be a secured debt, unless the petitioner state in his petition that he will be ready to give up such security for the benefit of the creditors in the event of the debtor being adjudicated a bankrupt, or unless the petitioner is willing to give an estimate of the value of his security, in which latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated; but he shall, on an application being made by the trustee within the prescribed time after the date of adjudication, give up his security to such trustee for the benefit of the creditors, upon payment of such estimated value; (20, Eng. B. Act, s. 6.)

Act of bankruptcy must have occurred within a certain time.

Debt to petitioners must be a liquidated sum and unsecured.

Proviso: Estimating or giving up security.

6. A debtor's summons may be granted by the Court on a creditor proving to its satisfaction that a debt sufficient to support a petition in bankruptcy is due to him from the person against whom the summons is sought, and that the creditor has failed to obtain payment of his debt, after using reasonable efforts to do so. The summons shall be in the prescribed form, resembling as nearly as circumstances admit a writ issued by one of Her Majesty's Superior Courts. It shall state that in the event of the debtor failing to pay the sum specified in the summons, or to compound for the same to the satisfaction of the creditor, a petition may be presented against him, praying that he may be adjudged a bankrupt. The summons shall have an endorsement

On what proof a debtor's summons may be granted.

Form.

What it must show.

Endorsement.

thereon to the like effect, or such other prescribed endorsement as may be best calculated to indicate to the debtor the nature of the document served upon him, and the consequences of inattention to the requisitions therein made;

Debtor may apply for dismissal of summons: And on what grounds.

Any debtor served with a debtor's summons may apply to the Court in the prescribed manner, and within the prescribed time, to dismiss such summons on the ground that he does not come under the operation of this Act, or that he is not indebted to the creditor serving such summons, or that he is not indebted to such amount as will justify such creditor in presenting a bankrupty petition against him, and the Court may dismiss the summons with or without costs, if satisfied with the allegations made by the debtor, or it may upon such security (if any) being given as the Court may require for payment to the creditor of the debt alleged by him to be due, and the costs of establishing such debt—stay all proceedings on the summons for such time as will be required for the trial of the question relating to such debt; (Eng. B. Act, s. 7.)

Power of the Court to dismiss or stay.

Service of petition for debtor's summons.

Hearing and proof.

Judgment.

Adjournment or dimissal.

7. A petition praying that a debtor may be adjudged a bankrupt, in this Act referred to as a Bankruptcy Petition, shall be served in the prescribed manner. At the hearing, the Court shall require proof of the debt of the petitioning creditor, of the trading, and of the Act of Bankruptcy, or, if more than one Act of Bankruptcy is alleged in the petition, of some one of the alleged Acts of Bankruptcy, and if satisfied with such proof, shall adjudge the debtor to be bankrupt;

The Court may adjourn the petition, either conditionally or unconditionally, for the procurement of further evidence, or for any other just cause, or may dismiss the petition with or without costs, as the Court thinks just; (Eng. B. Act, s. 8.)

If debtor appears and denies debt, etc.

Stay of proceedings on security given.

Trial of the question.

8. When the debtor appears on the petition and denies that he is indebted to the petitioner or that he is indebted to such amount as would justify the petitioner in presenting a Bankruptcy Petition against him, the Court upon such security (if any) being given as the Court may require, for payment to the petitioner of any debt which may be established against him in due course of law and of the costs of establishing such debt, may stay all proceedings on the petition for such time as may be required for the trial of the question relating to such debt, and such trial shall be had in the manner hereinbefore provided with respect to disputed debts under debtor's summonses.

Bankruptcy may be adjudged on petition of another creditor.

Where proceedings are stayed, the Court may, if by reason of the delay caused by such stay of proceedings or for any other cause it thinks just, adjudge the debtor a bankrupt on the petition of some other creditor, and shall thereupon dismiss, upon such terms as it thinks just, the petition, proceedings in which have been stayed as aforesaid.

Publication and proof of order adjudging bankruptcy.

9. A copy of an order of the Court adjudging the debtor to be bankrupt, shall be published in the *Official Gazette*, and be advertised locally in such manner (if any) as may be prescribed, and the date of such order shall be the date of the adjudication for the purposes of this Act, and the pro-

duction of a copy of the *Official Gazette* containing such order as aforesaid shall be conclusive evidence in all legal proceedings of the debt or having been adjudged a bankrupt, and of the date of the adjudication.

When the bankruptcy shall be held to commence.

10. The bankruptcy of a debtor shall be deemed to have relation back to, and to commence at the date to be stated in the order of the Court adjudging the debtor to be bankrupt, or if no such date be stated therein at the date of such order.

No suit on debts provable in the bankruptcy.

Proviso: As to holder of security.

11. Where a debtor shall be adjudicated a bankrupt, no creditor to whom the bankrupt is indebted in respect of any debt provable in the bankruptcy shall have any remedy against the property or person of the bankrupt in respect of such debt, except in manner directed by this Act. But this section shall not affect the power of any creditor holding a security upon the property of the bankrupt, to realize or otherwise deal with such security in the same manner as he would have been entitled to realize or deal with the same if this section had not been passed.

Court may stay proceedings on debts provable in bankruptcy.

And may appoint a receiver, etc.

12. The Court may, at any time after the presentation of a Bankruptcy Petition against the debtor, restrain further proceedings in any action, suit, execution or other legal process against the debtor in respect of any debt provable in bankruptcy, or it may allow such proceedings, whether in progress at the commencement of the bankruptcy or commenced during its continuance, to proceed upon such terms as the Court may think just. The Court may also at any time after the presentation of such petition, appoint a receiver or manager of the property or business of the debtor against whom the petition is presented, or of any part thereof, and may direct immediate possession to be taken of such property or business or any part thereof.

Appointment of Trustee.

Property of bankrupt to be divisible among his creditors.

Appointment of trustee by Court or creditors.

13. When an order has been made adjudging a debtor bankrupt, herein referred to as an order of adjudication, the property of the bankrupt shall become divisible among his creditors in proportion to the debts proved by them in the bankruptcy; and for the purpose of effecting such division the Court shall either appoint a trustee of the property of the bankrupt, or direct that such trustee shall be appointed by the creditors at a general meeting of creditors to be held in the prescribed manner and subject to the prescribed regulations as to the quorum, adjournment of meeting and all other matters relating to the conduct of the meeting and the proceedings thereat. (English B. Act ss. 14, 16.)

Property not so divisible.

14. The property of the bankrupt divisible amongst his creditors and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:

Held in trust.

1. Property held by the bankrupt on trust for any other person;

Or exempt from seizure.

But certain property to be so divisible.

2. Such property as is exempt from seizure and sale under execution by virtue of the several Statutes in that behalf made in the several Provinces of Canada respectively: But it shall comprise the following particulars:

All during bankruptcy.

3. All such property as may belong to, or be vested in the bankrupt at the commencment of the bankruptcy, or may be acquired by, or devolve on him during its continuance;

Powers of bankrupt respecting property.

4. The capacity to exercise and to take proceedings for exercising all such powers in, or over, or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy, or during its continuance;

Goods held by him with consent of owner.

Proviso:

5. All goods and chattels being at the commencement of the bankruptcy, in the possession, order, or disposition of the bankrupt by the consent and permission of the true owner, of which goods and chattels the bankrupt is reputed owner, or of which he has taken upon himself the sale or disposition as owner; provided that things in action, other than debts due to him in the course of his trade or business, shall not be deemed goods and chattels within the meaning of this clause. (English B. Act, s. 15)

Who to act until trustee appointed.

Property to pass to trustee.

15. Until a trustee is appointed, the prescribed officer shall be trustee for the purposes of this Act, and immediately upon the order of adjudication being made, the property of the bankrupt shall vest in the prescribed officer. On the appointment of a trustee the property shall pass to and vest in the trustee appointed. (English B Act, s. 17.)

Term "Trustee" whom to include.

16. The expression "Trustee," when used in this Act shall include the person for the time being filling the office of trustee, whether he be the trustee or not; but when the prescribed officer holds the office of trustee he shall, unless the Court otherwise orders, in the administration of the property of the bankrupt, apply to the Court for directions as to the mode of administering such property, and shall not take possession thereof unless directed by the Court.

Appointment to be reported to Court; action of Court thereupon.

When the prescribed officer acts as trustee.

17. The appointment of a trustee when made by the creditors, shall be reported to the Court, and the Court upon being satisfied that the security required by the creditors, has been entered into by him, shall give a certificate declaring him to be trustee of the bankruptcy named in the certificate, and such certificate shall be conclusive evidence of the appointment of the trustee, and such appointment shall date from the date of the certificate. When the prescribed officer holds the office of trustee and when the trustee is changed, a like certificate of the Court may be made declaring the person therein named to be trustee, and such certificate shall be conclusive evidence of the person therein named being trustee.

PART II.

ADMINISTRATION OF PROPERTY.

General Provisions affecting Administration of Property.

18. The bankrupt shall to the utmost of his power aid in the realization of his property and the distribution of the proceeds amongst his creditors. He shall produce a statement of his affairs in the manner and at the time prescribed and shall be publicly examined thereon on a day to be named by the Court and subject to such adjourned public examination as the Court may direct. He shall give such inventory of his property, such list of his creditors and debtors and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such meetings of his creditors, wait at such times on the trustee, execute such powers of attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property, and the distribution of the proceeds amongst his creditors as may be reasonably required by the trustee, or may be prescribed by rules of Court or be directed by the Court by any special order or orders made in reference to any particular bankrupty and made on the occasion of any special application by the trustee or any creditor.

Duties of bankrupt in respect of his affairs. Statement. Inventory. Attendance on trustee, etc. General duties.

If the bankrupt wilfully fails to perform the duties imposed on him by this section, or if he fails to deliver up possession to the trustee of any part of his property which is divisible amongst his creditors under this Act and which may for the time being be in the possession or under the control of such bankrupt, he shall in addition to any other punishment to which he may be subject, be guilty of a contempt of Court and may be punished accordingly. (Eng., B. Act s. 19.)

Bankrupt failing in such duties guilty of contempt of Court.

19. The trustee shall, in the administration of the property of the bankrupt, and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting.

Trustee to be guided by creditors.

Real estate, in so far as practicable, shall be sold subject to the mortgages, hypothecs, liens or charges affecting the same.

Sale of real estate.

Subject to the provisions of this Act, and to such directions as aforesaid, the trustee shall exercise his own discretion in the management of the estate, and its distribution amongst the creditors. The trustee may, from time to time, summon general meetings of the creditors for the purpose of ascertaining their wishes; he may also apply to the Court, in manner prescribed, for directions in relation to any particular matter arising under the bankruptcy.

Further powers and duties of trustee.

The bankrupt, or any creditor, debtor, or other person aggrieved by any act of the trustee, may apply to the Court and the Court may confirm, reverse or modify the act complained of, and make such order in the premises as it thinks fit. The Court may, from time to time, during the continu-

Calling meetings. Asking direction of Court.

Right of parties aggrieved by acts of trustee. Court may call meeting, etc.

ance of a bankruptcy, summon general meetings of the creditors for the purpose of ascertaining their wishes, and may, if the Court thinks fit, direct the prescribed officer to preside at such meetings. (Eng B. Act, s. 20.)

Dealings with Bankrupt's Property.

As to stock, shares, etc., belonging to bankrupt.

20. Where any portion of the property of the bankrupt consists of stock, shares in ships, or any other property transferable in the books of any company, office or person, the right to transfer such property shall be absolutely vested in the trustee to the same extent as the bankrupt might have exercised the same if he had not become bankrupt.

Things in action.

Where any portion of the property of the bankrupt consists of things in action, any action, suit, or other proceeding for the recovery of such things instituted by the trustee shall be instituted in his official name, as in this Act provided; and such things shall, for the purpose of such action suit or other proceeding, be deemed to be assignable in law, and to have been duly assigned to the trustee in his official capacity.

Deeds, books and documents.

Books to be kept by trustee.

The trustee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other property capable of manual delivery. The trustee shall keep, in such manner as rules of Court shall direct, proper books, in which he shall, from time to time, make or cause to be made entries, or minutes of proceedings at meetings, and of such other matters as rules of Court shall direct, and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent, inspect such books. (Eng. B. Act, s. 22.)

Powers of trustee.

21. Subject to the provisions of this Act, the trustee shall have power to do the following things:—

Proof of debts.

1. To receive and decide upon proof of debts in the prescribed manner, and for such purposes to administer oaths;

Carrying on business.

2. To carry on the business of the bankrupt so far as may be necessary for the beneficial winding up of the same;

Actions, etc.

3. To bring or defend any action, suit or other legal proceeding relating to the property of the bankrupt;

Dealing with certain property.

4. To deal with any property to which the bankrupt is beneficially entitled in the same manner as the bankrupt might have dealt with the same;

Powers of attorney, etc.

5. To exercise any powers, the capacity to exercise which is vested in him under this Act, and to execute all powers of attorney, deeds and other instruments expedient or necessary for the purpose of carrying into effect the provisions of this Act;

Selling bankrupt's property.

6 To sell all the property of the bankrupt (including the good will of the business, if any, and the book debts due or growing due to the bankrupt) in the prescribed manner;

7. To give receipts for any money received by him, which receipt shall effectually discharge the person paying such moneys from all responsibility in respect of the application thereof ; Receipts.

8. To prove, rank, claim, and draw a dividend in the matter of the bankruptcy or sequestration of any debtor of the bankrupt. (English B. Act, s 25.) Proving debts due to bankrupt, etc.

22. The trustee may with the sanction of the Court or consent of the creditors evidenced by a special resolution, appoint the bankrupt himself to superintend the management of the property, or of any part thereof, or to carry on the trade of the bankrupt for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the creditors direct. (English B. Act, s. 26.) Appointment of bankrupt to manage his estate.

23. The Trustee may, with the sanction of the Court or the consent of the creditors evidenced by special resolution, do all or any of the following things :— Further powers given by Court or creditors.

(1.) Mortgage, hypothecate or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts ; Charging property.

(2.) Refer any dispute to arbitration, compromise all debts, claims and liabilities whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any debtor or person who may have incurred any liability to the bankrupt, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon ; Reference to arbitration.

(3.) Make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy ; Compromise as to debts provable.

(4.) Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person ; As to other matters.

(5.) Divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot advantageously be realized by sale. Dividing property amongst creditors.

The sanction given for the purposes of this section may be a general permission to all or any of the above mentioned things, or a permission to do all or any of them in any specified case or cases. (English B. Act, s. 27.) How such powers may be granted.

24. A trustee shall not, without the consent of the Court or without an ordinary resolution of creditors, employ a solicitor or other agent, but where the trustee is himself a Restriction as to employment of agents by trustee.

solicitor he may contract to be paid a certain sum by way of percentage or otherwise as remuneration for his services as trustee, including all professional services, and any such contract shall, notwithstanding any law to the contrary, be lawful.

Trustee to deposit monies received in bank.

Penalty for default.

25. The Trustee shall pay all sums, from time to time, received by him, into such bank as the majority of the creditors in value at any general meeting shall appoint, and failing such appointment, into any chartered bank ; and if he at any time keeps in his hands any sum exceeding one hundred dollars for more than ten days, he shall be subject to the following liabilities, that is to say :

Interest.

(1.) He shall pay interest at the rate of forty dollars per centum per annum on the excess of such sum above one hundred dollars as he may retain in his hands ;

Further punishment by order of Court.

(2.) Unless he can prove to the satisfaction of the Court that his reason for retaining the money was sufficient, he shall, on the application of any creditor, be dismissed from his office by the Court, and shall have no claim for remuneration, and be liable to any expenses to which the creditors may be put by or in consequence of his dismissal. (English B. Act, s. 30.)

Payment of Debts and Distribution of Assets.

Demands not provable in bankruptcy.

26. Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or promise, shall not be provable in bankruptcy and no person having any notice of any Act of Bankruptcy available for adjudication against the bankrupt, shall prove for any debt or liability contracted by the bankrupt subsequently to the date of his so having notice,—Save, as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the bankrupt is subject at the date of the order of adjudication, or to which he may become subject during the continuance of the Bankruptcy by reason of any obligation incurred previously to the date of the order of adjudication, shall be deemed to be debts provable in bankruptcy, and may be proved in the prescribed manner before the trustee in the bankruptcy.

Exceptions as to certain contingent liabilities.

Estimate of value of such liabilities.

An estimate shall be made in the prescribed manner, or if no manner be prescribed, at the discretion of the trustee, of the value of any debt or liability provable as aforesaid, which, by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

Appeal to parties aggrieved by such estimate.

Any person aggrieved by any estimate made by the trustee as aforesaid may apply to the Court, and the Court may, if it think the value of the debt or liability incapable of being fairly estimated, make an order to that effect, and upon such order being made, such debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy ; but if the Court think that the value of the debt or liability is capable of being fairly estimated, it may

direct such value to be assessed before the Court itself, and the amount of such value when assessed, shall be provable as a debt under the bankruptcy. (English B. Act, s. 31.)

Rank of debts not disturbed except:

27. The rank and privilege of debts, upon whatever the same may be legally founded, shall not be disturbed by this Act, except as follows:

Unpaid vendor in Quebec.

(1). In the Province of Quebec, the privileges of the unpaid vendor shall cease from the delivery of the goods sold;

Wages of clerks, &c.

(2). Clerks and other persons in the employ of the bankrupt in and about his business or trade, at the date of the order of adjudication, shall be paid by special privilege, salary or wages not exceeding four months, and not exceeding two hundred dollars.

All others *pari passu.*

(3). Save, as aforesaid, all debts provable under the bankruptcy shall be paid *pari passu.* (Act of 1875, s. 82; English Act, s. 32.)

As to rent due at stated periods.

28. When any rent or other payment falls due at stated periods, and the order of adjudication is made at any time other than one of such periods, the person entitled to such rent or payment may prove for a proportionate part thereof up to the day of the adjudication as if such rent or payment grew due from day to day. (English Act, s. 35.)

Interest on debts.

29. Interest on any debt provable in bankruptcy may be allowed by the trustee under the same circumstances in which interest would have been allowable if an action had been brought for such debt. (English Act, s. 36.)

Debts due by bankrupt under distinct contracts.

30. If any bankrupt is at the date of the order of adjudication liable in respect of distinct contracts as member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is one of the joint contractors, shall not prevent proof in respect of such contracts, against the properties respectively liable upon such contracts. (English Act, s. 37.

Allowance to bankrupt by consent of Court or creditors.

31 The Trustee with the consent of the Court or of the creditors, testified by a special resolution, may, from time to time, during the continuance of the bankruptcy, make such allowance, as may be approved by the creditors, to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate. (English Act, s. 38.)

Set-off or compensation how allowed.

32. The law of set-off, or compensation, as administered by the Courts, whether of law or equity, shall apply to all debts provable in bankruptcy, and also to all suits instituted by a trustee for the recovery of debts due to the bankrupt, in the same manner and to the same extent as if the bank-

rupt were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this Act respecting frauds or fraudulent preferences. (Act of 1875, s. 107.)

Secured creditor giving up security.

33. A creditor holding a specific security on the property of the bankrupt, or on any part thereof, may, on giving up his security, prove for his whole debt.

Or claiming for balance.

34. He shall also be entitled to a dividend in respect of the balance due to him after realizing or giving credit for the value of his security, in manner and at the time prescribed.

Exclusion in other cases.

35. A creditor holding such security as aforesaid, and not complying with the foregoing conditions, shall be excluded from all share in any dividend.

Dividends.

When to be prepared for.

36. The trustee shall prepare dividends of the estate of the bankrupt, whenever the amount of money in his hands shall, in his opinion, justify a division thereof, and also whenever he is ordered by the Court to do so.

What claims shall rank on the estate.

37. All debts due and payable by the bankrupt at the date of the adjudication in bankruptcy, and all debts due but not then actually payable, subject to rebate of interest, shall have the right to rank upon the estate of the bankrupt; and any person then being, as surety or otherwise, liable for any debt of the bankrupt, and who subsequently pays such debt, shall thereafter stand in the place of the original creditor, if such creditor has proved his claim on such debt; or if he has not proved, such person shall be entitled to prove against and rank upon the estate for such debt to the same extent and with the same effect as the creditor might have done. (Act of 1875, s. 80.)

Non-effect of seizure in execution of bankrupt's property.

38. No lien or privilege upon either the personal or real estate of the bankrupt shall be created for the amount of any judgment, debt, or of the interest thereon, by the issue or delivery to the Sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the bankrupt, if before the payment over to the plaintiff of the moneys actually levied under such writ, the debtor has been adjudicated bankrupt, or a petition in bankruptcy for such adjudication is pending. But this provision shall not affect any lien or privilege for costs which the plaintiff possesses under the law of the Province in which such writ shall have been issued. (Act of 1875, s. 83.)

Proviso: As to lien, etc.

Bankrupt indebted as a partner.

39. If the bankrupt owes debts, both indivdiually and as a member of a co-partnership, or as a member of two different co-partnerships, the claims against him shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other after all the creditors of that other have been paid in full. 1875, s. 88.

As to costs in suits against bankrupt after notice under this Act.

40. No costs incurred in suits or legal proceedings against the bankrupt after notice has been given in the prescribed manner, of the order of adjudication, shall rank upon the estate of the bankrupt, but all taxable costs incurred in proceedings against him, up to that time, shall be added to the demand for the recovery of which such proceedings were instituted, and shall rank upon the estate as if they formed part of the original debt, except as herein otherwise provided. 1875, s. 90.

Notice of dividend.

41. Notice of the declaration of any dividend shall be given in the prescribed manner.

Objections to dividend.

42. Any claim or dividend may be objected to in the prescribed manner.

Court or creditors may order contestation of claims.

43. The Court, or the Creditors by special resolution, may order the costs of the contestation of any claim or dividend to be paid out of the estate, whether such costs were incurred by the trustee or any individual creditor. 1875, s. 96.

If there is real property of bankrupt under seizure at date of order of adjudication.

Proceedings.

44. If at the date of the order of adjudication any immovable property or real estate of the bankrupt be under seizure or in process of sale, under any writ of execution or other order of any competent Court, such sale shall be proceeded with by the officer charged with the same unless stayed by order of the Judge upon application by the trustee, upon special cause shown, and after notice to the plaintiff,—reserving to the party prosecuting the sale, his privileged claim on the proceeds of any subsequent sale, for such costs as he would have been entitled to out of the proceeds of the sale of such property, if made under such writ or order; but if such sale be proceeded with, the monies levied therefrom shall be returned into the Court on whose order the sale has been made, to be distributed and paid over to the creditors who shall have any privilege, mortgage or hypothecary claims thereon, according to the rank or priority of such claims; and the balance of such monies after the payment of such claims shall be ordered to be paid to the trustee to be distributed with the other assets of the estate. 1875, s. 97.

How unclaimed dividends shall be dealt with.

45. All dividends remaining unclaimed at the time of the discharge of the trustee, shall be left in the bank where they are deposited, for three years, and, if still unclaimed, shall then be paid over by such bank with interest accrued thereon, to the Government of Canada, and if afterwards duly claimed shall be paid over to the parties entitled thereto, with interest at the rate of four per centum per annum from the time of the reception thereof by the Government.

Bankrupt to have surplus if any.

46. The bankrupt shall be entitled to any surplus remaining after payment of his creditors and of the costs, charges and expenses of the bankruptcy.

Close of Bankruptcy.

Report by trustee to the Court, and order for closing bankruptcy.

47. When the whole property of the bankrupt has been realized for the benefit of his creditors, or so much thereof as can, in the opinion of the trustee, be realized without needlessly protracting the bankruptcy, the trustee shall make a report accordingly to the Court, and the Court, if satisfied that the whole of the property of the bankrupt has been realized for the benefit of his creditors, or so much thereof as can be realized without needlessly protracting the bankruptcy, shall make an order that the bankruptcy has closed, and the bankruptcy shall be deemed to have closed at and after the date of such order.

Publication a proof of order.

A copy of the order closing the bankruptcy may be published in the official *Gazette*, and the production of a copy of such *Gazette* containing a copy of the order shall be conclusive evidence of the order having been made, and of the date and contents thereof.

Release of Trustee.

Meeting of creditors.

Account by trustee.

48. When the bankruptcy is closed, the trustee shall call a meeting of the creditors to consider an application to be made to the Court for his release. At the meeting the trustee shall lay before the assembled creditors an account showing the manner in which the bankruptcy has been conducted, with a list of the unclaimed dividends, if any, and of the property, if any, outstanding, and shall inform the meeting that he proposes to apply to the Court for a release.

Creditors may oppose his release.

The creditors assembled at the meeting may express their opinion as to the conduct of the trustee, and they, or any of them, may appear before the Court and oppose the release of the trustee.

Court may grant or withhold the release.

Or suspend it.

The Court, after hearing what, if anything, can be urged against the release of the trustee, shall grant or withhhold the release accordingly, and if it withhold the release shall make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty, and shall suspend his release until such charging order has been complied with, and the Court thinks just to grant the release of the trustee

Effect of order of release.

49. The order of the Court releasing the trustee of a bankruptcy shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee of such bankrupt; but such order may be revoked by the Court on proof that it was obtained by fraud.

PART III.

POWERS OF THE COURT AND JUDGE.

General Rules.

General rules may be made for giving effect to this Act.

50. General rules, in this Act described as rules of Court, may from time to time be made, revoked and altered in the manner hereinafter provided for the execution of this Act and of the objects thereof, and the regulation of the practice and procedure of Bankruptcy Petitions, and the proceedings thereon:

What may be provided for by such rules.

Any general rules so made may prescribe regulations as to the service of Bankruptcy Petitions, including provisions for substituted service, as to fees and costs upon bankruptcy proceedings; as to the valuing of any debts provable in bankruptcy; as to the valuation of securities held by creditors; as to proving debts; as to the giving or withholding interest or discount on or in respect of debts or dividends; as to the funds out of which costs are to be paid, the order of payment, and the amount and taxation thereof; the sale of real estate and the costs and charges of such sale; as to the right to vote at meetings of creditors: and as to any other matter or thing, whether similar or not to those above enumerated, in respect to which it may be expedient to make rules for carrying into effect the objects of this Act; and any rules so made shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

To have force of law.

To be laid before Parliament.

Any rules made in pursuance of this section shall be laid before Parliament 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; and any rules so made shall be judicially noticed.

And judicially noticed.

How made in Quebec.

51. In the Province of Quebec such general rules shall be made, and be promulgated in the same manner as the rules of practice and tariff of fees of the Superior Court.

And in Ontario.

52. In the Province of Ontario such general rules shall be made by the Judges of the Court of Appeal or a majority of them; in the Province of New Brunswick, the Judges of the Supreme Court of New Brunswick, or majority of them; in the Province of Nova Scotia, the Judges of the Supreme Court of Nova Scotia, or the majority of them; in the Province of British Columbia, the Judges of the Supreme Court, or the majority of them; in the Province of Prince Edward Island, the Judges of the Supreme Court, or the majority of them; and in the Province of Manitoba, the Judges of the Court of Queen's Bench, or the majority of them. 1875 s. 123.

In other Provinces.

Present rules are to be used until others are made.

53. Until such rules of practice and tariff of fees have been made, as required by the two next preceding sections, the rules of practice and tariff of fees of insolvency now in force in the said Provinces respectively, shall continue and remain in full force and effect. 1875, s. 124.

Trustees to be subject to summary jurisdiction of the court or judge.

54. Every trustee shall be subject to the summary jurisdiction of the Court or Judge in the same manner and to the same extent as the ordinary officers of the Court are so subject; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, hypothec, lien or right of property upon, in or to any effects or property in the hands, possession or custody of any trustee, maybe obtained by an order of the Judge on summary petition in vacation, or of the Court on a rule in term, and not by any suit, attachment, opposition, seizure or other proceeding of any kind whatever; and obedience by the trustee to such order may be enforced by such Court or Judge, under the penalty of imprisonment, as for contempt of Court or disobedience thereto, or he may, be removed in the discreton of the Court or Judge. 1875, s. 125.

Powers of Single Judge.

Judge to have in vacation powers of the court.

55. Any Judge in vacation shall and may exercise all the powers of the Court in term, and any proceeding, at whatever time commenced, may be continued either in term or vacation.

Appeals.

Appeals from orders of court or judge, in the several Provinces.

56. Any party to any contestation matter or thing, upon which the Court or Judge has made any final order or judgment may, in the Province of Ontario, appeal therefrom to the Court of Error and Appeal, or to any Judge of that Court; in the Province of New Brunswick to the Supreme Court of New Brunswick, or to any one of the Judges of the said Court; in the Province of Nova Scotia to the Supreme Court of Nova Scotia or to any one of the Judges of the said Court; in the Province of Prince Edward Island to the Supreme Court of Judicature, or to any Judge of the said Court; in the Province of Manitoba, to the Court of Queen's Bench or to any Judge of the said Court; but any appeal to a single Judge in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island, or Manitoba, may, in his discretion, be referred, on a special case to be settled, to the full Court, and on such terms in the meantime as he may think necessary and just. 1875, s. 128.

Inscription for revision in Quebec.

57. Any party to any contestation matter or thing upon which the Court or Judge has made any final order or judgment, may, in the Province of Quebec inscribe for revision of, or appeal from the same, in the same manner (except as hereinafter provided) as from a final judgment of the Superior Court in ordinary cases under the laws in force when such order or judgment shall be made or rendered. 1875, s. 128.

Appeal to be prosecuted within 8 days.

58. No appeal or proceeding in revision under the foregoing provisions shall be entertained, unless the appellant or party inscribing for revision shall

have, within eight days from the rendering of such final order or judgment, adopted proceedings on the said appeal or revision, nor unless he shall within the said delay have made a deposit or given sufficient security before a Judge, that he will duly prosecute the said appeal or proceedings in revision and pay such damages and costs as may be awarded to the respondent. In the Province of Quebec the inscription for review must be sanctioned by a Judge of the Superior Court, and the writ of appeal must be allowed by a Judge of the Superior Court or of the Court of Queen's Bench. 1875, s. 128.

Special provision in Quebec.

59. If the party complaining of such order or judgment does not proceed with his appeal, or in review, as the case may be, according to law and the rules of practice, the Court, on application of the respondent, may order the record to be returned to the officer entitled to the custody thereof, and condemn the appellant to pay the respondent the costs by him incurred. 1875, s. 128.

If the appellant fails to proceed.

60. Pending the contestation of any claim or of a dividend sheet and pending any appeal or proceeding in revision, the trustee shall reserve a dividend equal to the amount of the dividends claimed or contested. 1875, s. 129.

Reservation of dividends contested.

PART IV.

FRAUDS AND FRAUDULENT PREFERENCES.

61. Any person adjudged bankrupt, pursuant to this Act, shall, in each of the cases following, be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to penal servitude or imprisonment, that is to say :—

Certain Acts of bankrupt to be misdemeanors.

1. If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors, all his property real and personal, and how, and to whom, and for what consideration and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade, or laid out in the ordinary expense of his family, unless the jury is satisfied that he had no intent to defraud ;

Nor fully discovering his property, and the disposal thereof.

2. If he does not deliver up to such trustee, or as he directs, all such part of his real and personal property as is in his custody, or under his control, and which he is required by law to deliver up, unless the jury is satisfied that he had no intent to defraud ;

Not delivering all to the trustee.

3. If he does not deliver up to such trustee or as he directs all books, documents, papers, and writings in his custody or under his control, relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud ;

Not delivering books, papers, &c.

4. If, after the presentation of a Bankruptcy Petition against him, or within four months next before such presentation he conceals any part of his property, to the value

Concealing property worth $50

of fifty dollars or upwards, or conceals any debt due to or from him, unless the jury is satisfied that he had no intent to defraud ;

Removing such property

5. If, after the presentation of a Bankruptcy Petition against him, or within four months next before such presentation he fraudulently removes any part of his property of the value of fifty dollars or upwards ;

Making omissions in statements.

6. If he makes any material omission in any statement relating to his affairs, unless the jury is satisfied that he had no intent to defraud ;

Conniving at false debt.

7. If, knowing, or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of a month to inform such trustee as aforesaid thereof ;

Preventing production of books, &c.

8. If after the presentation of a Bankruptcy Petition against him he prevents the production of any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs, or to defeat the law ;

Mutilating or falsifying books, &c.

9. If after the presentation of a Bankruptcy Petition against him, or within four months next before such presentation, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law ;

Making or being privy to false entry in books, &c.

10. If, after the presentation of a Bankruptcy Petition against him, or within four months next before such presentation, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law ;

Parting with or altering any book or conniving at the same.

11. If after the presentation of a Bankruptcy Petition against him, or within four months next before such presentation, he fraudently parts with, alters, or makes any omission, or is privy to the fraudulently parting with, altering or making any omission in any document affecting or relating to his property or affairs ;

Alleging fictitious losses.

12. If after the presentation of a Bankruptcy Petition against him, or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses ;

Obtaining property by fraud.

13. If within four months next before the presentation of a Bankruptcy Petition against him, he, by any false representation or other fraud, has obtained any property on credit, and has not paid for the same ;

14. If within four months next before the presentation of a Bankruptcy Petition against him, he obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the jury is satisfied that he had no intent to defraud ; Obtaining property on false pretences.

15. If within four months next before the presentation of a Bankruptcy Petition against him, he pawns, pledges or disposes of otherwise than in the ordinary way of his trade, any property which he has obtained on credit and has not paid for, unless the jury is satisfied that he had no intent to defraud ; Pledging property not paid for.

16. If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy. 1875, s. 140. False representation to get consent of creditors.

62. If any person who is adjudged a bankrupt after the presentation of a Bankruptcy Petition against him, or within four months before such presentation, quits Canada, and takes with him, or attempts or makes preparation for quitting Canada, and for taking with him any part of his property to the amount of one hundred dollars or upwards, which ought by law to be divided amongst his creditors, he shall, unless the jury is satisfied that he had no intent to defraud, be guilty of felony, punishable with penal servitude or imprisonment. Taking property out of Canada, &c. Felony and how punishable.

63. Any person shall, in each of the cases following, be deemed guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment for a term not exceeding one year ; that is to say, Certain acts to be misdemeanors.

1. If in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud ; Falsely obtaining credit.

2. If he has with intent to defraud his creditors or any of them, made or caused to be made, delivery or transfer of, or any charge on his property ; Putting away property fraudulently.

3. If he has with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him ; Concealing of with like intent.

64. If any creditor, in any bankruptcy in pursuance of this Act, wilfully and with intent to defraud, makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be guilty of a misdemeanor, punishable with imprisonment for any term not exceeding one year. False claim as creditor to be misdemeanor Punishment.

65. Where a trustee in any bankruptcy reports to any Court exercising jurisdiction in bankruptcy, that in his opinion a bankrupt has been guilty of any offence under Trustee may be ordered to prosecute.

this Act, or where the Court is satisfied upon the representation of any creditor that there is ground to believe that the bankrupt has been guilty of any offence under this Act, the Court shall, if it appears to the Court that there is a reasonable probability that the bankrupt may be convicted, order the trustee to prosecute the bankrupt for such offence.

How misdemeanors shall be tried.

66. Every misdemeanor under the *fourth* part of this Act shall be deemed to be an offence within and subject to the provisions of the twenty-eighth section of an Act of the Session of the thirty-second and thirty-third years of the reign of Her present Majesty, chapter twenty-nine, intituled "*An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law*;" and when any person is charged with any such offence before any justice or justices, such justice or justices shall take into consideration any evidence adduced before him or them tending to show that the act charged was not committed with a guilty intent.

Evidence of innocent intent.

Allegations of indictment for offences under this Act.

67. In an indictment for an offence under this Act, it shall be sufficient to set forth the substance of the offence charged in the words of this Act, specifying the offence, or as near thereto as circumstances will admit, without alleging or setting forth any debt, act of bankruptcy, trading, adjudication, or any other proceedings in, or order, warrant, or document of any Court acting under this Act.

Offences may be tried under any other Act.

Proviso.

68. Where any person is liable under any other Act of Parliament, or at common law to any punishment, or penalty for any offence made punishable by this Act, such person may be proceeded against under such other Act of Parliament or at common law, or under this Act, so that he be not punished twice for the same offence.

In what courts offences may be tried.

69. Every offence punishable under this Act shall be tried as other offences of the same degree are triable in the Province where such offence is committed, but no such offence shall be tried before any General or Quarter Sessions of the Peace. 1875, s. 141.

Penalty on Creditors taking consideration for granting discharge, &c.

70. If any creditor of a bankrupt directly, or indirectly, takes or receives from such bankrupt, any payment, gift, gratuity or preference, or any promise of payment, gift, gratuity or preference, as a consideration or inducement to consent to the discharge of such bankrupt, or if any creditor knowingly ranks upon the estate of the bankrupt for a sum of money not due to him by the bankrupt, or by his estate, such creditor shall forfeit, and pay a sum equal to treble the value of the payment, gift, gratuity or preference so taken, received or promised, or treble the amount improperly ranked for as the case may be; and the same shall be recoverable by the trustee for the benefit of the estate by suit in any competent Court, and when recovered, shall be distributed as part of the ordinary assets of the estate. 1875, s. 142.

Recovery and application.

Trustee making false certificate, guilty of misdemeanor.

71. Any trustee who, in any certificate required by this Act, shall wilfully mis-state or falsely represent any material fact for the purpose of deceiving the Court or Judge, or the creditors, shall be guilty of a misdemeanor, and shall be liable at the discretion of the Court before which he shall be convicted, to penal servitude or imprisonment. 1875, s. 139.

Trustees to be deemed agents in cases under 32, 33 V., c. 21

Indictment in such cases.

72. Every trustee appointed under this Act is an agent within the meaning of the seventy-sixth and following sections of the "*Act respecting Larceny and other similar Offences*," and every provision of this Act or resolution of the creditors, relating to the duties of a trustee, shall be held to be a direction in writing, within the meaning of the said seventy-sixth section, and in an indictment against a trustee under any of the said sections, the right or property in any moneys security, matter or thing, may be laid in "the creditors of the bankrupt (naming him) under "*The Bankruptcy Act*, 1879," or in the name of any trustee subsequently appointed, in his quality of such trustee. 1875, s. 138.

Conveyances of or charges on property, and proceedings for favoring creditors, by persons afterwards becoming bankrupt, to be deemed fraudulent.

Proviso.

73. Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts when they become due, from his own monies, in favor of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same become bankrupt within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee of the bankrupt appointed under this Act; but this section shall not affect the rights of a purchaser, payee or incumbrancer in good faith and for valuable consideration.

Imprisonment for Debt.

Bankrupt in gaol or on the limits in civil suit, may apply to judge for discharge.

Proceedings thereon.

74. Any debtor confined in gaol or on the limits in any civil suit, and who shall have been adjudged bankrupt, may at any time after such adjudication make application to the judge of the county or district in which he is confined, for his discharge from imprisonment or confinement in such suit; and thereupon such Judge may grant an order in writing directing the sheriff or gaoler to bring the debtor before him for examination, at such time and place, in such county or district, as may be thought fit; and the said sheriff or gaoler shall duly obey such order, and shall not be liable to any action for escape in consequence thereof, or to any action for the escape of the said debtor from his custody, unless the same shall have happened through his default or negligence; or if the debtor is confined in the county or district in which the Judge does not reside, the Judge instead of ordering the debtor to be brought before him for examination, may, if he sees fit, make an order authorizing and directing the trustee for the county or district in which the debtor is confined, to take such examination, and it shall be the duty of the trustee to take down such examination fully

in writing, and transmit the same under his hand forthwith to the Judge; and the trustee shall be entitled to ten cents for each folio of one hundred words of such examination.

Examination of bankrupt and witnesses

1. In pursuance of such order, the said confined debtor, and any witnesses subpœnaed to attend and give evidence at such examination may be examined on oath at the time and place specified in such order before such Judge or trustee;

Judge may grant discharge if examination be satisfactory.

and if on such examination it appears to the satisfaction of the Judge that the said debtor committed any fraudulent act of bankruptcy under the provisions of this Act, such Judge shall, by his order in writing, discharge the debtor from confinement or imprisonment, and on production of the order to the sheriff or gaoler, the debtor shall be forthwith discharged without payment of any gaol fees, provided always, that no such order shall be made in any case, unless it be made to appear to the satisfaction of such Judge that at least seven days' notice of the time and place of the said examination had been previously given to the plaintiff in the suit in which the debtor was imprisoned, or to his attorney, and to the trustee for the time being;

Minutes of examination to be kept.

2. The minutes of the examination herein mentioned shall be filed in the office of the Clerk of the Court, out of which the process issues, and a copy thereof shall be

Postponement in certain cases.

delivered to the trustee; and if, during the examination or before any order be made, the trustee or the appointed trustee, or the creditor, or any one of the creditors, at whose suit or suits the debtor is in custody, makes affidavit that he has reason to believe that the debtor has not made a full disclosure in the matters under examination, the judge may grant a postponement of such examination for a period not less than seven days, nor more than fourteen days, unless the parties consent to an earlier day;

As to any subsequent arrest of bankrupt.

3. After such examination, in case of any subsequent arrest in any civil suit, as aforesaid, for causes of action arising previous to the adjudication in bankruptcy, the said debtor may, pending further proceedings against him under this Act, be forthwith discharged from confinement or imprisonment in such suit, on application to any Judge, and on producing such previous discharge; provided that nothing in this section contained, shall interfere with the imprisonment of the said debtor, in pursuance of any of the provisions of this Act. 1875, s. 127.

PART V.

SUPPLEMENTARY PROVISIONS.

Procedure.

Regulations in bankruptcy

75. The following regulations are made with respect to proceedings in bankruptcy, namely:

Petition to be on oath.

Verifying petitions.

1. Every Bankruptcy Petition shall be accompanied by an affidavit in the prescribed form, verifying the statements contained in such petition;

2. Where two or more Bankruptcy Petitions are presented against the same debtor, or against debtors being members of the same partnership, the Court may consolidate the proceedings, or any of them, upon such terms as the Court thinks fit; Consolidating petitions.

3. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor; Substituting a petitioner.

4. A corporation may prove a debt, vote, and otherwise act in bankruptcy, by an agent duly authorized; Corporations.

5. A creditor may, in the prescribed manner, by instrument in writing, appoint a person to represent him in all matters relating to any debtor or his affairs in which a creditor is concerned in pursuance of this Act, and such representative shall thereupon, for all the purposes of this Act, stand in the same position as the creditor who appointed him; Proxies of creditors.

6. When a debtor who has been adjudicated a bankrupt dies, the Court may order that the proceedings in the matter be continued as if he were alive; Bankrupt dying.

7. The Court may, at any time, on proof to its satisfaction of any sufficient reason for staying the proceedings in bankruptcy, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think just. Staying proceedings in bankruptcy.

76. Whenever any adjudication in bankruptcy is annulled all sales and dispositions of property and payments duly made, and all acts theretofore done by the trustee or any person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged a bankrupt, shall in such case vest in such person as the Court may appoint, or in default of any such appointment revert to the bankrupt for all his estate or interest therein upon such terms, and subject to such conditions, if any, as the Court may declare by order. A copy of the order of the Court annulling the adjudication of a debtor as a bankrupt shall be forthwith published in the *Official Gazette* and advertised locally in the prescribed manner, and the production of a copy of the *Official Gazette* containing such order shall be conclusive evidence of the fact of the adjudication having been annulled, and of the terms of the order annulling the same. Consequences of the annulling of an adjudication in bankruptcy. Publication of the annulling order and proof thereof.

77. No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to such proceeding is of opinion that substantial injustice has been caused by such defect or irregularity, and that such injustice cannot be remedied by any order of such Court. Formal defects will not invalidate unless they occasion injustice.

As to Trustees.

Respecting trustees.

78. The following regulations are made with respect to the trustee :—

More than one may be appointed.

Provision in such case.

1. The creditors may, if they think fit, appoint more persons than one to the office of trustee, and where more than one are appointed they shall declare whether any act required or authorized to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint tenants of the property of the bankrupt.

Succession of trustees.

The creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee ;

Banks or Loan Companies may be.

2. An incorporated Bank or Loan Company may be appointed Trustee and may act through one or more of its officers in the prescribed manner ;

Vacancies in the office, how filled.

3. If any vacancy occur in the office of trustee by death, resignation, or otherwise, the creditors in general meeting shall fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing trustee, if there be more than one, or in the prescribed manner on the requisition of any creditor ;

When there is no trustee.

4. If, through any cause whatever, there is no trustee acting during the continuance of a bankruptcy, the prescribed officer shall act as such trustee ;

Court may remove for cause.

5. The Court may, upon cause shown, remove any trustee. The creditors may, by special resolution at a meeting specially called for the purpose, of which the prescribed notice has been given, remove the trustee and appoint another person to fill his office, and the Court shall give a certificate declaring him to be the trustee ;

If trustee becomes bankrupt.

6. If a trustee be adjudged bankrupt, he shall cease to be trustee, and the prescribed officer shall, if there be no other trustee, call a meeting of creditors for the appointment of another trustee in his place ;

Property to pass from trustee to successor.

7. The property of the bankrupt shall pass from trustee to trustee, including under that term the prescribed officer when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment, or transfer whatever ;

May sue and be sued.

8. The trustee of a bankrupt may sue and be sued by the official name of "the trustee of the property of a bankrupt," inserting the name of the bankrupt,

Hold property &c.

and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding upon himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office ;

9. The certificate of appointment of a trustee shall, for all purposes of any law in force in any part of Canada requiring registration, enrollment, recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly ; Registration of certificate of appointment.

10. In the Province of Quebec, upon such registration being effected there shall be a notice annexed specifying the property conveyed in the prescribed manner ; In Quebec.

11. No defect or irregularity in the election of a trustee shall vitiate any act *bonâ fide* done by him. As to defect in appointment.

79. The prescribed officer may adjourn the first meeting of creditors from time to time, and from place to place, subject to the directions of the Court ; but if, at such first meeting of creditors, or at some adjournment thereof, no trustee is appointed by reason of the prescribed quorum not being present, or for any other reason whatever, the Court may annul the adjudication, unless it deems it expedient to carry on the bankruptcy with the aid of the prescribed officer as trustee. Moreover, if at any time during the bankruptcy no new trustee is appointed to fill a vacancy in that office, the Court may either carry on the bankruptcy with the aid of the trustee, or annul the order of adjudication as it thinks just. Adjournment of first meeting of creditors by prescribed officer. If vacancy of trustee is not filled up.

As to Power over Bankrupt.

80. The Court shall have the power, upon special cause being shown under oath for so doing, to order any postmaster at the place of residence, or at the place of business of the bankrupt, to deliver letters addressed to him at such post office to the trustee, and to authorize the trustee to open such letters in the presence of the prothonotary or clerk of the Court, and in the presence of the bankrupt, or after notice given to him by letter through the post, if he be within the Province ; and if such letters be upon the business of the estate, the trustee shall retain them, giving communication of them, however, to the bankrupt on request ; and if they be not on the business of the estate, they shall be re-sealed, endorsed as having been opened by the trustee, and given to the bankrupt, or returned to the post office ; and a memorandum in writing of the doings of the trustee in respect of such letters, shall be made and signed by him and by the prothonotary or clerk, and deposited in the Court. 1875, s. 119. Provision as to letters addressed to bankrupt by post.

81. The Court may, by warrant addressed to any prescribed officer of the Court, cause a debtor to be arrested, and any books, papers, moneys, goods, and chattels in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances : Warrant for arrest of bankrupt, &c. in certain cases.

Bankrupt about to leave Canada.

1. If, after the service of a debtor's summons, or after a petition of bankruptcy is presented against such debtor, it appears to the Court that there is probable reason for believing that he is about to leave Canada or to quit his place of residence with a view of avoiding payment of the debt or service of the petition, or of avoiding appearing to the petition, or of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in bankruptcy;

Or to remove his goods, &c.

2. If, after the service of a debtor's summons or after a petition in bankruptcy has been presented against such debtor, it appears to the Court that there is probable cause for believing that he is about to remove his goods or chattels with a fraudulent intent or with a view of preventing or delaying such goods or chattels being taken possession of by the trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his goods or chattels, or any books, documents, or writings which might be of use to his creditors in the course of his bankruptcy;

Removing goods over $20 in value.

3. If after the service of the petition on such debtor, or after an adjudication in bankruptcy against him, he removes any goods or chattels in his possession above the value of twenty dollars, without the leave of the trustee, or if without good cause shown, he fails to attend any examination ordered by the Court.

Marriage Settlements.

Registration of contracts of marriage of traders in Quebec.

82. In the Province of Quebec every trader having a marriage contract with his wife, by which he gives or promises to give or pay or cause to be paid any right, thing, or sum of money, shall register the same (if it be not already registered) within three months from the execution thereof, and every person not a trader, but hereafter becoming a trader, and having such a contract of marriage with his wife, shall cause such contract to be registered as aforesaid, (if not previously thereto enregistered) within thirty days from becoming such trader; and in default of such registration the wife shall not be permitted to avail herself of its provisions in any claim upon the estate of such bankrupt for any advantage or right upon the estate of her husband, to which, in the absence of any such contract she would have been entitled by law; but this section shall be held to be only a continuance of the second sub-section of section twelve of "*The Insolvent Act of* 1864," and of section one hundred and forty of "*The Insolvent Act of* 1869," and of section one hundred and twenty-six of "*The Insolvent Act of* 1875," and shall not relieve any person from the consequence of any negligence in the observance of the provisions of the said sub-section or section. 1875, s. 126.

Leases.

Lease of property more valuable than

83. If the bankrupt holds under a lease, property having a value above and beyond the amount of any rent payable

under such lease, the trustee shall make a report thereon to the Court, containing his estimate of the value to the estate of the leased property in excess of the rent ; and thereupon the Court may order the rights of the bankrupt in such leased premises to be sold separately, or to be included in the sale of the whole or part of the estate of the bankrupt, after such notice of such sale as the Court shall see fit to order; and at the time and place appointed such lease shall be sold upon such conditions, as to the giving of security to the lessor, as the Court may order ; and such sale shall be so made subject to the payment of the rent, to all the covenants and conditions contained in the lease, and to all legal obligations resulting from the lease ; and all such covenants, conditions and obligations shall be binding upon the lessor and upon the purchaser, as if he had been himself lessee and a party with the lessor to the lease. 1875, s. 70.

Rent reserved may be sold.

Conditions of sale of lease.

84. If the bankrupt holds, under a lease extending beyond the year current under its terms at the time of his bankruptcy, property which is not subject to the provisions of the last preceding section, or respecting which the Court does not make an order of sale, as therein provided, or which is not sold under such order, the creditors shall decide, at any meeting which may be held more than three months before the termination of the yearly term of the lease current at the time of such meeting, whether the property so leased should be retained for the use of the estate, only up to the end of the then current yearly term ; or, if the conditions of the lease permit of further extension, also up to the end of the next following year thereof ; and their decision shall be final. 1875, s. 71.

Other cases of how dealt with.

85. From and after the time fixed for the retention of the leased property for the use of the estate, the lease shall be cancelled, and shall from thenceforth be inoperative and null ; and so soon as the resolution of the creditors as to such retention has been passed, such resolution shall be notified to the lessor, and if he contends that he will sustain any damage by the termination of the lease under such decision, he may make a claim for such damage, specifying the amount thereof under oath, in the same manner as in ordinary claims upon the estate ; and such claim may be contested in the prescribed manner. 1875, s. 72.

Case of lessor claiming damages for termination of lease.

86. In making such claim, and in any adjudication thereupon, the measure of damages shall be the difference between the value of the premises leased when the lease terminates under the resolution of the creditors, and the rent which the bankrupt had agreed by the lease to pay during its continuance ; and the chance of leasing or not leasing the premises again for a like rent shall not enter into the computation of such damages ; and if the claim is not contested, or if, being contested, the damages are finally awarded to the lessor, he shall rank for the amount upon the estate as an ordinary creditor. 1875, s. 73.

How damages shall be estimated.

Preferential claim of landlord limited in the several Provinces.

8 . The preferential lien of the landlord for rent in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island, or Manitoba, is restricted to the arrears of rent due during the period of one year last previous to the adjudication in bankruptcy, and from thence so long as the trustee shall retain the premises leased. In the Province of Quebec the preferential lien or privilege of the lessor shall be governed by the provisions of the civil code. 1875, s. 74.

MISCELLANEOUS.

Rights of purchasers of debts due to bankrupt.

88. The person who purchases a debt from the trustee may sue for it in his own name as effectually as the bankrupt might have done, and as the trustee is hereby authorized to do; and a bill of sale, signed and delivered to him by the trustee, shall be *prima facie* evidence of such purchase, without proof of the handwriting of the trustee; and the debt sold shall, in the Province of Quebec, vest in the purchaser without signification to the debtor; and no warranty, except as to the good faith of the trustee, shall be created by such sale and conveyance, not even that the debt is due. 1875, s. 69.

Partnership dissolved by bankruptcy of partner.

89. If a partner in an incorporated trading company or co-partnership becomes bankrupt within the meaning of this Act, and a trustee is appointed to the estate of such bankrupt, such partnership shall thereby be held to be dissolved; and the trustee shall have all the rights of action and remedies against the other partners in such company or co-partnership, which the said bankrupt partner could have or exercise by law or in equity against his co-partners after the dissolution of the firm, and may avail himself of such rights of action and remedies, as if such co-partnership or company had expired by efflux of time. 1875, s. 40.

Examination of bankrupt or his wife.

90. The Court may, on the application of the trustee, at any time after an order of adjudication has been made against a bankrupt, summon before it the bankrupt or his wife, or any person whatever known or suspected to have in his possession any of the estate or effects belonging to the bankrupt, or supposed to be indebted to the bankrupt, or any person whom the Court may deem capable of giving information respecting the bankrupt, his trade, dealings or property, and the Court may require any such person to produce any documents in his custody or power relating to the bankrupt, his dealings or property; and if any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce such documents, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant addressed as aforesaid, cause such person to be apprehended and brought up for examination. 1875, s. 26.

Punishment for refusing to appear, or produce documents, &c.

Examination *vivâ voce* or in writing.

91. The Court may examine upon oath, either by word of mouth or written interrogatories, any person so brought

before it in manner aforesaid, concerning the bankrupt, his dealings or property.

If any person examined admits indebtedness to bankrupt.

92. If any person on examination before the Court admits that he is indebted to the bankrupt, the Court may, on the application of the trustee, order him to pay to the trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

Person acting under warrant of court may seize property of bankrupt, break open doors, &c.

93. Any person acting under warrant of the Court may seize any property of the bankrupt divisible amongst his creditors under this Act, and in the bankrupt's custody or possession or in that of any other person, and with a view to such seizure may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place belonging to him, the Court may, if it thinks fit, grant a search warrant to any constable or prescribed officer of the Court, who may execute the same according to the tenor thereof. 1875, s. 13

Search warrant may be granted.

Where the bankrupt is a joint contractor.

94. Where a bankrupt is a contractor in respect of any contract jointly with any other person or persons, such person or persons may sue or be sued in respect of such contract, without the joinder of the bankrupt.

Repeal of present Acts. Exception.

95. "*The Insolvent Act of* 1875 *and amending Acts*" (save and except section one hundred and forty-nine of the Insolvent Act of 1875, which repeals previous enactments) are hereby repealed.

No. 2.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act relating to Bankruptcy.

Received and read first time, Wednesday, 19th February, 1879.

Second reading, Monday, 23rd February, 1879.

Mr. COLBY.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1879.

No. 3.] **BILL.** [1879.

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

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

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

2. In the statement of liabilities and assets which the Insolvent is required, under the seventeenth section of the Act hereinbefore cited, to furnish to the Assignee, the Insolvent shall discriminate between his liabilities to traders and to non-traders. At any time after the making of the assignment, or the issue of the writ of attachment, and previous to the first meeting of creditors, any creditor who is a non-trader may notify the Assignee in writing that such is the case, and that he purposes to avail himself of the provisions of this Act; and no non-trader who shall have so notified the Assignee shall be bound to accept the composition, or sign the discharge of the Insolvent, but the claim of such non-trader shall nevertheless be ranked by the Assignee upon the dividend sheet for a dividend or dividends in like manner as the claims of other creditors; and the receipt signed by the non-trader for such dividend shall be a receipt *pro tanto* in respect of such claim as aforesaid. Discrimination between traders and non-traders in statement. After notification non-traders not bound to accept composition.

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

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

No. 3.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

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

Received and read first time, Thursday, 20th February, 1879.

Second reading, Monday, 24th February, 1879.

Mr. BOURASSA.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1879.

No. 4. **BILL.** [1879.

An Act to make better provision for the trial of Controverted Elections of Members of the House of Commons, by amending and consolidating the Acts now in force on that subject.

WHEREAS it is expedient to make better provision for the trial of election petitions and the decision of matters connected with controverted elections of members of the House of Commons of Canada, and to amend and consolidate the Acts now in force on that subject: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Act passed in thirty-seventh year of Her Majesty's reign, intituled: "*An Act to make better provision for the trial of Controverted Elections of Members of the House of Commons and respecting matters connected therewith*," and the Act passed in the thirty-eighth year of Her Majesty's reign, intituled: "*An Act to amend the Acts respecting Controverted Elections*," and section forty-eight of the Act passed in the said last mentioned year and intituled: "*The Supreme and Exchequer Court Act*," and section sixteen of the Act passed in the thirty-ninth year of Her Majesty's reign and intituled: *An Act to make further provision in regard to the Supreme Court, and the Exchequer Court, of Canada*," are hereby repealed, except only as respects elections held before the passing of this Act with respect to which and all matters connected with or depending upon them, they shall remain in force; and the Acts and enactments repealed by the said Acts shall remain repealed. Repeal of 37 V. c. 10. 38 V. c. 10. 38 V. c. 11, s. 48. 39 V. c. 26, s. 16.

2. This Act may be cited for all purposes as "*The Dominion Controverted Elections Act*, 1879." Short title.

PRELIMINARY.

3. In this Act and for the purposes thereof, the expression "The Court" shall, in its application to the Province of Quebec, mean the Court of Queen's Bench for that Province; Interpretation clause.

2. In its application to Ontario it shall mean the Court of Appeal for that Province; "The Court."

3. In its application to the Province of Nova Scotia it shall mean the Supreme Court of that Province;

4. In its application to the Province of New Brunswick it shall mean the Supreme Court of that Province;

5. In its application to the Province of Manitoba it shall mean the Court of Queen's Bench for that Province;

6. In its application to the Province of British Columbia it shall mean the Supreme Court of Civil Justice of that Province;

7. And in its application to the Province of Prince Edward Island it shall mean the Supreme Court of Judicature for that Province;

Powers of said Courts;

8. And each of the said Courts respectively, and the Judges thereof respectively, shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority with reference to an election petition and the proceedings thereon, as to all the hereinbefore mentioned Courts, except the Court of Queen's Bench for the Province of Quebec, and the Court of Appeal in the Province of Ontario, as if such petition were an ordinary cause within its jurisdiction;

Except Q.B. in Quebec, to be as those of Superior Court.

And of Appeal for Ontario, to be as those of Q.B.

9. And as to the said Court in the Province of Quebec, the said Court of Queen's Bench and the Clerk of Appeal, respectively, shall have the same powers, jurisdiction, authority and duties with reference to an election petition and the proceedings thereon as the Superior Court for the said Province and any prothonotary of that Court would have if such petition were granted and the proceedings constituted an ordinary cause within its jurisdiction; and the practice and proceedings shall, as far as may be practicable, be the same as in other cases in the said Superior Court, until altered as provided by this Act: And the said Court of Appeal for the Province of Ontario and the Registrar of that Court, respectively, shall have the same powers, jurisdiction, authority and duties respectively with reference to an election petition and the proceedings thereon as the Court of Queen's Bench for the Province of Ontario would have respectively if such petition were an ordinary cause within the jurisdiction of such last mentioned Court, and the practice and proceedings, including the mode of enforcing decisions, as to costs and otherwise, shall in all respects be the same as at present until altered as provided by this Act;

"Judges." "Judge."

10. The expression "the Judges" and "the Judge" shall mean the Judges or the Judge trying the election petition or performing any duty to which the enactment in which the expression occurs has reference; and the word "Judge" shall include the Chief Justice of the Court, and the Chancellor and the Vice-Chancellors of the Court of Chancery of the Province of Ontario;

Other terms interpreted.

11. The following terms shall, in this Act, have the meaning hereinafter assigned to them, unless there is something in the context repugnant to such construction, that is to say:

"Member," shall mean a member of the House of Commons of Canada;

"Election," shall mean an election of a member to serve in the House of Commons of Canada;

"Electoral District," shall mean an electoral district entitled to return a member or members;

"Candidate," shall mean any person elected to serve as a member, and any person who has been nominated as or declared himself a candidate at an election;

"Corrupt practices," or "corrupt practice," shall mean acts in reference to elections which are declared to be corrupt practices by *The Dominion Elections Act*, 1874, or any other Act of the Parliament of Canada, or recognized as such by the common law of Parliament;

"Rules of Court," shall mean rules to be made as hereinafter mentioned;

"Prescribed," shall mean "prescribed by this Act, or by the rules of Court made in virtue of this Act;"

"Clerk of the Court," shall mean the Registrar, Clerk of Appeals, Clerk of the Crown, Chief Clerk, or Prothonotary, or any officer of the Court, prescribed for the purpose in question.

The Speaker.

12. The expression, "the Speaker," shall mean the Speaker of the House of Commons; and when the office of Speaker is vacant, or when the Speaker is absent from Canada, or is unable to act, the Clerk of the House of Commons, or any other officer for the time being performing the duties of the Clerk of the said House, shall be deemed to be substituted for and included in the expression "the Speaker."

PRESENTATION AND SERVICE OF PETITIONS.

Election petitions, what and by whom to be made.

4. A petition complaining of an undue return, or undue election of a member, or of no return or double return, or of any unlawful act by any candidate not returned, by which he is alleged to have become disqualified to sit in the House of Commons, at any election held after the passing of this Act, may be presented to the Court by any one or more of the following persons:

1. Some person who had a right to vote at the election to which the petition relates: or

2. A candidate at such election.

Proviso.

And such petition is in this Act called an election petition: Provided always, that nothing herein contained shall prevent the sitting member from objecting under section to any further proceeding on the petition by reason of the

ineligibility or disqualification of the petitioner, or from proving under section that the petitioner was not duly elected.

Where to be presented in Quebec.

In the Province of Quebec the petition shall be presented to the Court at the city of Quebec if it relates to an Electoral District in any of the Judicial Districts of Three Rivers, Quebec, Saguenay, Gaspé, Chicoutimi, Rimouski, Kamouraska, Montmagny, Beauce or Arthabaska; and at the city of Montreal if it relates to any Electoral District in any of the Judicial Districts of Ottawa, Montreal, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville or Beauharnois.

Petition may be against more than one candidate.

5. Two or more candidates may be made respondents to the same petition, and their case may for the sake of convenience be heard at the same time; but for all purposes of this Act, except as to the costs connected therewith, such petition shall be deemed to be a separate petition against each respondent.

When the petition complains of a Returning officer.

6. When an election petition under this Act complains of the conduct of a Returning Officer, such Returning Officer may be made a party thereto, and shall for all the purposes of this Act, except the admission of respondents in his place, be deemed to be a respondent: Provided always, that the death of the Returning Officer pending the proceedings shall not cause them to abate, but the same shall continue and be prosecuted as if the Returning Officer had not been made a party.

Proviso.

Petition complaining of "no return."

7. A petition under this Act, complaining of no return, may be presented, and shall be deemed to be an election petition within the meaning of this Act, and such order may be made thereon by the Court or Judge as may be deemed expedient for compelling a return to be made, or the Court or Judge may allow such petition to be tried in the manner hereinbefore provided with respect to ordinary election petitions.

Election petition.

8. The following enactments are made with respect to the presentation of an election petition under this Act:

Form and contents.

1. The petition may be in any prescribed form; but if or in so far as no form is prescribed, it need not be in any particular form, but it must complain of the undue election or return of a member, or that no return has been made, or of matter contained in any special return made, or of some such unlawful act as aforesaid by a candidate not returned, and it must be signed by the petitioner, or all the petitioners if there are more than one;

Time for presenting

2. The petition must be presented not later than thirty days after the day of publication in the *Canada Gazette* of the receipt of the return to the writ of election by the Clerk of the Crown in Chancery, unless it questions the return or election upon an allegation of corrupt practices, and speci-

fically alleges a payment of money or other act of bribery to have been committed by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any time within thirty days after the date of such payment or act so committed ; and in case any such petition is presented, the sitting member, whose election and return is petitioned against, may, not later than fifteen days after service of such petition against his election and return, file a petition complaining of any unlawful and corrupt act by any candidate at the same election who was not returned and who is not a petitioner, and on whose behalf the seat is not claimed ;

How presented.

3. Presentation of a petition shall be made by delivering it at the office of the Clerk of the Court, during office hours, or in any other prescribed manner ;

Security to be given.

4. At the time of the presentation of the petition, security for the payment of all costs, charges and expenses that may become payable by the petitioner,—

(*a*) To any person summoned as a witness on his behalf, or

(*b*) To the member whose election or return is complained of (who is hereinafter referred to as the respondent),—or

(*c*) To the Returning Officer, if his conduct be complained of,—or

(*d*) To the candidate not elected, whose conduct is complained of as aforesaid,—

Shall be given on behalf of the petitioner ;

Amount of security.

5. The security shall be to the amount of one thousand dollars, and shall be given by a deposit of money with the Clerk of the Court ;

Gold or Dominion notes.

6. The deposit shall not be valid unless it is made in gold coin, or Dominion notes being a legal tender under the Statutes of the Dominion at the time when the deposit is made ;

Receipt.

7. The Clerk of the Court shall give a receipt for such deposit which shall be evidence of the sufficiency thereof ;

Copy of petition to Returning officer.

8. On the presentation of the petition, the Clerk of the Court shall send a copy thereof by mail to the Returning Officer of the Electoral District to which the petition relates, who shall forthwith publish the same in such Electoral District.

Affidavit of truth of petition to be

9. With every election petition there shall be filed an affidavit by the petitioner, or if there be more than one petitioner, by one or more of them, referring to or annexed to

the petition, and stating that the deponent or deponents present the petition in good faith, and have reason to believe, and do believe the statements contained in the petition to be true in substance and in fact; and unless the petition be verified by affidavit it shall not be received, or if received, it shall, on application, be removed off the files of the Court.

Notice to respondents.

10. Notice of the presentation of a petition under this Act, and of the security, accompanied with a copy of the petition, shall, within five days after the day on which the petition shall have been presented, or within the prescribed time, or within such longer time as the Court, or any Judge thereof, may, under special circumstances or difficulty in effecting service, allow, be served by the petitioner on the respondent or respondents. In case service cannot be effected on the respondent or respondents either personally or at his or their domicile within the time granted by the Court or Judge, then it may be effected upon such other person, or in such other manner as the Court or Judge, on the application of the petitioner, may appoint.

Service of notice.

Service of petition notice, &c.

11. An election petition under this Act, and notice of the date of the presentation thereof, and a copy of the deposit receipt shall be served as nearly as may be in the manner in which a writ of summons is served in civil matters, or in such other manner as may be prescribed.

Respondents may present preliminary objections.

12. Within five days after the service of the petition and the accompanying notice, the respondent may present in writing any preliminary objections or grounds of insufficiency which he may have to urge against the petition or the petitioner, or against any further proceeding thereon, and shall, in such case, at the same time, file a copy thereof, for the petitioner. The Court, or any Judge thereof, shall hear the parties upon such objections and grounds, and shall decide the same in a summary manner.

How decided.

Petition at issue.

13. At the expiration of five days after the decision upon the preliminary objections, if presented and not allowed, or on the expiration of the time for presenting the same if none be presented, the petition shall be held to be at issue.

Clerk to make out list of petitions at issue.

14. The Clerk of the Court shall, as soon as may be, make out a list of all petitions presented under this Act, and which are at issue, placing them in the order in which they are presented, and shall keep at his office a copy of such list (hereafter referred to as "The Election List") open to the inspection of any person making application.

When more than one on same election.

2. Where more petitions than one are presented relating to the same election or return, all such petitions shall, in the election list be bracketted together, and shall be dealt with as far as may be as one petition; but such petitions shall stand on the election list in the place where the first of such petitions would have stood if it had been the only petition presented;

3. The Clerk of the Court shall forthwith, *after making the election list*, transmit to the Registrar of the Supreme Court, at Ottawa, a copy thereof; Copy of list to Supreme Court.

4. On receipt of such lists, and from time to time and whenever the same shall be received by the Registrar of the Supreme Court of Canada, he shall, as soon as may be, make out a list of all petitions returned to him from the Clerks of the Courts respectively, placing them in the order in which they were presented, and shall keep at his office a copy of such list, open to the inspection of any person making application; Registrar to make out a list.

5. Such petitions, as far as conveniently may be, shall be tried in the order in which they stand in such last mentioned list; Order of trial.

15. When upon the application of any party to an election petition duly made to the Judges or Judge, it appears to such Judges or Judge that the case raised by the petition can be conveniently stated as a special case, such Judges or Judge may direct the same to be so stated, and any such special case shall, as far as may be, be heard before such Judges or jndge, who shall thereupon give such judgment as to justice may appertain, and in case the decision be final the Judges or Judge shall certify to the Speaker the decision on such special case, in the manner and time specified in section *sixty* of this Act. Judges or judge may dieect a special case to be stated. Report thereon.

EXAMINATION OF PARTIES AND PRODUCTION OF DOCUMENTS.

16. Any party to an election petition, whether petitioner or respondent, may at any time after such petition is at issue, before or pending the trial thereof, be examined by or before a Judge or an examiner, in the manner hereinafter directed, by a party adverse in point of interest, touching any matter raised by such petition; and any party so examined may be further examined on his own behalf, in relation to any matter respecting which he has been examined in chief; and when one of the several petitioners or respondents has been so examined, any other petitioner or respondent united in interest, may be examined on his own behalf, or on behalf of those united with him in interest, to the same extent as the party so examined; Provided that such explanatory examination must be proceeded with immediately after the examination in chief, and not at any future period, except by leave of the Court or Judge. When and how parties may be examined. Proviso.

17. When any petition has been filed claiming the seat for a candidate, such candidate, although not a party to the petition, may be orally examined as if he were a petitioner Candidate claiming seat may be examined.

18. Any party to be examined orally, under the provisions of this Act, shall be so examined by or before a Judge, a County Court Judge, a Master in Chancery, Clerk of the Crown, or special examiner of the Court in which such elec- How such examination shall be conducted.

tion petition is pending, or before any barrister-at-law named for the purpose by the Court or the Judge ; and such examiation shall take place in the presence of the parties, their counsel, agents or attorneys; and the party so examined orally shall be subject to cross-examination and re-examination ; and such examination, cross-examination and re-examination shall be conducted as nearly as may be in the mode now in use in Courts of Common Law on a trial at *nisi prius*, or in Chancery at the hearing of a cause, or in the Province of Quebec at the trial of a civil cause by a jury ; subject to the provisions hereinafter made.

Form of depositions to be narrative.

19. The depositions taken upon any such oral examination as aforesaid, shall be taken down in writing by the examiner, not ordinarily by question and answer, but in the form of a narrative ; and when completed shall be read over to the witness, and signed by him, in the presence of the parties, or of such of them as may think fit to attend; Provided always, that, in case the witness refuses or is unable to sign the said deposition, then the examiner shall sign the same ; and such examiner may upon every examination state, any special matter to the Court if he thinks fit ; Provided also, that it shall be in the discretion of the examiner to put down any particular question or answer, if there should appear to be any special reason for so doing ; and any question or questions which may be objected to shall, at the request of either party, be noticed or referred to by the examiner in or upon the depositions ; and he shall state his opinion thereon to the counsel, agents, attorneys or parties ; and if requested by either party he shall refer to such statement on the face of the depositons.

Proviso.

Proviso : questions may be put down in certain cases.

Duty of examiner.

Depositions to be transmitted to Court.

20. When the examination before the examiner shall have been concluded, the original depositions authenticated by the signature of such examiner, shall be transmitted by him to the office of the Court to be there filed ; and any party to the petition may have a copy thereof, or of any part or portion thereof, upon payment for the same in such manner as shall be prescribed by the Court in that behalf.

Compelling attendance of parties or of persons to be examined.

21. The attendance of a party or other person for oral examination or cross-examination before the examiner, may be required by a writ *subpœna ad testificandum* or *duces tecum*, in like manner as such party or person would be required to attend the trial of the petition, and any party or person upon being served with such writ shall be bound to attend before the examiner ; but such party or person shall be entitled to the like payment for attendance and expenses as if he had been subpœnaed to attend upon the trial.

As to persons in custody.

22 The sheriff, gaoler, or other officer having the custody of any prisoner, may take such prisoner for examination before the examiner, under the authority of this Act, if so ordered by the Court or a Judge thereof

Notice in such cases.

23. Forty-eight hours' notice of any such oral examination or cross-examination shall be given to the opposite party or parties.

24. Any party or person refusing or neglecting to attend at the time and place appointed for his examination or cross-examination, or refusing to be sworn or to answer any lawful question put to him by the examiner, or by any party entitled so to do or his counsel, agent, or attorney, may be punished as for a contempt of Court: Provided always, that if any witness demurs or objects to any question or questions which may be put to him, the question or questions so put, and the demurrer or objection of the witness thereto, shall be taken down by the examiner, and transmitted by him to the office of the Court to be there filed: and the validity of such demurrer or objection shall be decided by the Court or a Judge thereof; and the costs of and occasioned by such demurrer or objection shall be in the discretion of the Court or Judge.

Neglecting to attend or refusing to answer to be contempt.

Witness demurring to questions.

25. Any party to a petition shall be entitled to use, upon the trial of such petition, depositions taken by or before the examiner, in accordance with the provisions of this Act: Provided that where such party uses any portion of a deposition so taken, it shall be competent for the party against whom it is used to put in the entire evidence so taken, as well that in chief as that in explanation.

Use of depositions.

Proviso.

26. Any party to any election petition, whether petitioner or respondent, may, at any time after such petition is at issue, before or pending the trial thereof, obtain a rule or order of the Court or of the Judge, requiring the adverse party to produce within ten days after the service thereof, under oath, all documents in his custody or power relating to the matters in question, saving all just exceptions; and to deposit the said documents with the Clerk of the Court; and upon such documents being produced, the party requiring such production, or his agent or attorney, may inspect the same and take examined copies thereof: Provided that when any person upon whom a rule to produce has been served wishes to avail himself of any such exception as above mentioned, he must on his affidavit on production assign a sufficient reason why he should not produce and deposit the same in manner aforesaid.

Production, inspection and copies of documents.

Proviso.

27. The rule referred to in the preceding section shall be a rule in the nature of a side bar rule, and shall issue in vacation as in term and may be obtained on the last as well as on other days of term; and such rules hall be dated the day of the week, month and year on which the same was drawn up, and need not specify any other time or date; and such rule may be obtained by the party requiring the same, his agent or attorney, from the Clerk of the Court.

Rule for production how obtained.

28. The rule for the production of documents shall not require personal service, and it shall be sufficient to serve the same upon the agent or attorney of the party.

Service.

29. The affidavit on production to be made by the party who has been served with the rule for production, may be in the form or to the effect of the schedule to this Act, varied as the facts require.

Affidavit on production.

Punishment for disobedience.

30. Any party neglection or refusing to obtain a rule for the production of documents may be punished as for a contempt of court.

TRIAL OF PETITIONS.

Constitution of Court's trial of petitions.

31. Except as regards elections in the Provinces of Manitoba and British Columbia, every election petition shall be tried by three Judges, one of whom shall be the Chief Justice or one of the Puisne Judges of the Supreme Court of Canada, and the others as regards elections in the Province of Quebec shall be two of the Judges to be selected from a *rota* to be formed as hereinafter provided in that Province; as regards elections in the Province of Ontario, two of the Judges to be selected from a *rota* to be formed in that Province as hereinafter provided; as regards elections in the Province of Nova Scotia, two of the Judges of the Supreme Court of that Province; as regards elections in the Province of New Brunswick, two of the Judges of the Supreme Court of that Province,—and as regards elections in the Province of Prince Edward Island, two of the Judges of the Supreme Court of Judicature of that Province.

In the Province of Quebec.

32. In the Province of Quebec the members of the Court of Queen's Bench shall, on or before the third day of the June Term, to be holden at the City of Quebec, in the year of Our Lord one thousand eight hundred and seventy-*nine*, and on or before the third day of the December Term in every year (including the said year), at the City of Quebec, select by a majority of votes of the members of the Court, four of the Judges thereof, to be placed on the *rota* for the trial of election petitions during the year one thousand eight hundred and *eighty*, and, *after the first selection, during the then next ensuing year*.

In the Province of Ontario.

33. In the Province of Ontario, the members of the Courts of Appeal, Queen's Bench, Chancery and Common Pleas, respectively, shall on or before the third day in Easter Term in the year one thousand eight hundred and seventy-*nine*, and on or before the third day of Michaelmas Term in every year (including the said year), select by a majority of votes of the members of such Court one of the Judges thereof, to be placed on the *rota* in the trial of election petitions during the year one thousand eight hundred and seventy-*nine*; and, after the first selection, during the then next ensuing year.

Judges re-eligible.

34. Any Judge placed on the *rota* shall be re-eligible in the succeeding or any subsequent year.

Vacancies in the Court how filled.

35. In the event of the death or illness of any Judge for the time being on the *rota*, or his inability to act, the Court to which he belongs shall fill up the vacancy by placing on the *rota* another Judge of the same Court.

Judges of Supreme Court of

36. The Judges of the Supreme Court of Canada shall forthwith, after the said election list shall be made up by the

Registrar of the Court, arrange among themselves by which of the Judges of the Supreme Court the said election petitions shall be tried, respectively, and the order in which the same shall be tried, and shall appoint the days for the trial thereof, and the Registrar of the Supreme Court of Canada shall transmit to the clerks of the Courts of the Provinces respectively, the direction made by the Judges of the Supreme Court of Canada as to the order in which, in each of the said Provinces, the cases belonging thereto are to be tried, and the time appointed for the trial thereof.

Canada to arrange order and days for trials.

37. On receipt of such order of trial the Judges on the *rota* in the Provinces of Quebec and Ontario respectively, and the Judges of the Supreme Court in the Province of Nova Scotia and New Brunswick respectively, and of the Supreme Court of Judicature in the Province of Prince Edward Island shall assign two of the Judges on the *rota*, or two of the Judges of the said Supreme Courts and the Supreme Court of Judicature, as the case may be, to sit along with the Judge of the Supreme Court of Canada assigned by the Judges thereof, to hold the trial of the said election petition.

Judges from the Courts in the five Provinces, respectively.

38. On such trial the Chief Justice or Judge of the Supreme Court of Canada assigned to try the said petition shall preside.

Who shall preside.

39. The decision of the majority of Judges sitting on the trial of any election petition, on all questions arising on the trial shall govern, and (except as hereinafter provided as to appeal in matters of law) shall be final and conclusive.

Majority to decide.

40. The trial of an election petition shall take place in the electoral district, the election or return for which is in question, and may be adjourned from time to time and from one place to another in the same electoral district, as to the Judges or Judge trying the case may seem most convenient.

Place of trial adjournments

41. The decision of the case shall be given at the place where the same is tried, or if the trial has been held in more than one place in the electoral district, then at one of the places where the trial was held.

Place of decision.

42. In the Provinces of Manitoba and British Columbia every election petition concerning an election in either of the said Provinces shall be tried by one of the judges of the Court of Queen's Bench in Manitoba, and of the Supreme Court of Civil Justice in British Columbia.

Trials in Manitoba or British Columbia.

43. In the Provinces in the last preceeding section mentioned, the election petitions, as far as conveniently may be shall be tried in the order in which they stand on the list, and the first and second sub-sections of the (*fourteenth*) section shall apply to those Provinces.

Order of trial.

44. 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.

Notice of trial.

How judges shall be received and attended.

45. The Judges shall be received and attended at the place where they are about to try an election petition under this Act, in the same manner, as far as circumstances will admit, as if they were about to hold a sitting at *nisi prius*, or a sitting of the Provincial Court of which the judges of the Province to sit at the trial of the election petition are members.

Powers of the judges.

46. On the trial of an election petition and in any other proceedings under this Act, the Judges or the Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as a Judge of one of the Superior Courts of law or equity for the Province in which such election was held, sitting in term or presiding at the trial of an ordinary civil suit; and the Court held for such trial shall be a Court of Record

Court of record.

Case where seat is claimed for some person not returned.

47. On the trial of a petition under this Act complaining of an undue return, and claiming the seat for some person, the respondent may give evidence to prove that the election of such person *was* undue in the same manner as if he had presented a petition complaining of such election.

Acceptance of office or resignation not to stop proceedings.

48. An election petition may be presented, and the trial of an election petition under this Act shall be proceeded with, notwithstanding the acceptance by the respondent of an office of profit under the Crown, or the resignation of his seat; but the respondent may, notwithstanding anything in this or any other Act contained, accept office at any time after the election, subject always to the provisions of the twelfth section of the Act passed in the thirty-first year of Her Majesty's Reign, and intituled "*An Act further securing the Independence of Parliament*," in construing which after this Act is in force, the words "Court or Judge" shall be substituted for the words "election committee."

Proviso.

31 V. c. 25.

Nor a prorogation or dissolution.

49. The trial of an election petition under this Act shall be proceeded with notwithstanding the prorogation or dissolution of the Parliament of Canada.

How the oral evidence at a trial shall be taken down.

50. The oral evidence given at the trial shall, unless otherwise ordered by the Judge or Judges holding the Court, be taken down by a shorthand writer, and the shorthand writer shall take down such evidence, and from time to time write or cause the same to be written out at length; such shorthand writer before entering on his duties shall be sworn by the Judge presiding at the time, faithfully and truly to take down the evidence given at the trial, and from time to time as occasion requires to write or cause the same to be written at length.

Oath of stenograper.

Limi ation of time for commencement of trial.

51. The trial of every election petition shall be commenced within months from the time the petition was presented, and shall be proceeded with *de die in diem* until the trial is over, unless on application supported by affidavit, it is shown that the requirements of justice render it necessary that a postponement of the case should take place.

EVIDENCE.

52. Unless the Judges or Judge otherwise direct, any charge of corrupt practices may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt practices. As to evidence of corrupt practices.

53. The law of evidence respecting the trial of controverted elections in force at the time of the passing of this Act, in England, shall be the law regulating the rules of evidence for the trial and determination of petitions presented under this Act. Existing English rules of evidence to prevail.

WITNESSES.

54. Witnesses shall be subpœnaed and sworn in the same manner, as nearly as circumstances will admit, as in cases within the jurisdiction of the Superior Courts of law or equity in the same Province; and shall be subject to the same penalties for perjury. Witness how summoned and sworn.

55. On the trial of an election petition under this Act, the presiding Judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be guilty of contempt of Court. The Judges or Judge may examine and re-examine any witness so compelled to attend or any person present, although such witness or person be not called and examined by any party to the petition. After the examination of a witness as aforesaid by a Judge, such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them. Compelling attendance of witnesses. Examination. Cross-examination.

56. No person shall be excused from answering any question put to him under this Act, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or that such answer will tend to criminate himself, shall be used in any criminal proceeding against any such person, other than an indictment for perjury, if the presiding Judge gives to the witness a certificate that he claimed the right to be excused on the grounds aforesaid, and made full and true answers to the satisfaction of the Judges or Judge. Witnesses not excused by any privilege from answering. Proviso: as to use of answers.

57. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions in the Superior Courts of law or equity in the same Province, may be allowed to such person by a certificate under the hand of the Judge or of the clerk of the Court; and such expenses, if the witness was called and examined by the Judges or by the Judge, shall be Expenses of witnesses. How paid.

deemed part of the expenses of providing a Court, and in other cases shall be deemed costs of the party calling the witness, and shall be taxed against such party interested in the trial of such petition, as the Judges or Judge may determine.

JUDGES' REPORT.

Decision and certificate of judges or judge.

58. At the conclusion of the trial the Judges or Judge shall determine whether the member whose election or return is complained of, or any and what other person, was duly returned or elected, or whether the election was void, and other matters arising out of the petition, and requiring determination, and shall, except only in the case of appeal hereinafter mentioned, within four days after the expiration of eight days from the day on which he or they shall so have given his or their decision, certify in writing such determination to the Speaker, appending thereto a copy of the notes of the evidence; and the determination thus certified shall be final to all intents and purposes.

To be certified to Speaker and final, except in case of appeal.

Report if corrupt practices are charged.

59. When any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the Judges or Judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker, as follows:

(*a.*) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, stating the name of such candidate, and the nature of such corrupt practice;

(*b.*) The names of any persons who have been proved at the trial to have been guilty of any corrupt practice;

(*c.*) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have, extensively prevailed at the election to which the petition relates

Special report.

60. The Judges or Judge may, at the same time, make a special report to the Speaker, as to any matters arising in the course of the trial, an account of which ought, in his or their judgment, to be submitted to the House of Commons.

As to corrupt practices by agents without knowledge of candidate.

Agent to be summoned.

If he does not appear.

Judgment.

61. In case on the trial of any election petition under this Act, it is determined that the election is void by reason of any act of an agent committed without the knowledge and consent of the candidate, and that costs should be awarded to the petitioner in the premises, the agent may be condemned to pay such costs, and the Judges or Judge shall order that such agent be summoned to appear at a time fixed in such summons, in order to determine whether such agent should be condemned to pay such costs. If, at any time so fixed, the agent so summoned do not appear he shall be condemned on the evidence already adduced, to pay the whole or a due proportion of the costs awarded to the petitioner; and if he does appear, the Judges or Judge, after hearing the

parties and such evidence as shall be adduced, shall give such judgment as to law and justice shall appertain. The petitioner shall have process to recover such costs against such agent in like manner as he might have such process against the respondent; and no process shall issue against the respondent to recover such costs until after the return of process against such agent.

Recovery of costs.

62. The Speaker shall, at the earliest practicable moment after he receives the certificate and report or reports (if any) of the Judges or Judge, give the necessary directions, and adopt all the proceedings necessary for confirming or altering the return, or for the issuing of a new writ for a new election, (for which purpose the Speaker may address his warrant under his hand and seal to the Clerk of the Crown in Chancery,) or for otherwise carrying the determination into execution, as circumstances may require;

Speaker's duty on receiving certificate of decision.

The Speaker shall, without delay, communicate to the House of Commons the determination, report and certificate of the Judges or Judge, and his own proceedings thereon;

To inform the House.

Where the Judges or Judge make a special report, the House of Commons may make such order in respect of such special report, as they think proper.

When there is a special report.

APPEALS.

63. There shall be no review in the Province of Quebec of any judgment rendered under this Act; but any party to an election petition under this Act, who is dissatisfied with the decision of the Judges or Judge, on any question of law, and desires to appeal against the same, may, within eight days from the day on which the decision was given, deposit with the Clerk of the Court, or other proper officer of the Court for receiving money paid into such Court, the sum of dollars by way of security for costs, and a further sum of *ten dollars* as a fee for making up and transmitting the record; and thereupon the Clerk of the Court shall make up and transmit the record in the case to the Registrar of the Supreme Court of Canada, who shall set down the matter of the said appeal for hearing by the said Court, at the nearest convenient time, and according to any rules made in that behalf, under this Act, or under the Act passed in the thirty-eighth year of Her Majesty's reign, cap. eleven, intituled "The Supreme and Exchequer Court Act."

No review in Quebec.

Appeal and security for costs, &c.

Duty of clerk.

Transmission of record to Supreme Court of Canada.

35 V. c. 11.

64. A statement of the facts of the case, sufficient for the determination of the question or questions of law, the decision or decisions as to which is or are appealed against, which is to be settled by the parties, or in the event of their being unable to agree by the Judge or one of the Judges before whom the petition was tried, shall be prepared by the party appealing.

Statement of facts for the Court.

65. Particulars given, furnished by either party in the course of the proceedings, shall be verified on oath by the party furnishing the same, in the same manner as the petition is required by this Act to be verified by the petitioners or petitioner.

Verification of particulars, in statement, &c.

N.B.—This will be made 82.

Notice by party appealing to opposite parties.

66. The party so appealing shall thereupon within three days or such further time as the Court or any Judge thereof may upon application allow, give to the other parties affected by the appeal or the respective attornies or agents by whom such parties were represented on the trial of such petition, notice in writing that the matter of the said appeal has been so set down to be heard as aforesaid.

Hearing and determination of the case.

67. The appeal shall thereupon be heard and determined by the Supreme Court of Canada, which shall pronounce such judgment upon the questions of law as to which the appeal is made, as in the opinion of the said Supreme Court ought to have been given by the Judges or Judge whose decision is appealed from.

As to money deposited as securities; and costs.

Recovery.

68. The said Supreme Court may make such order as to the money deposited as aforesaid, and as to the costs of the appeal as it may think just; any order directing the payment of such costs shall be certified by the Registrar of the Court to the Court in which the petition was filed, and the same proceedings for the recovery of such costs may thereupon be taken in the last mentioned Court, as if the order for payment of costs had been made by that Court or by the Judge before whom the petition was tried.

Certificate to Speaker.

69. The Registrar of the said Supreme Court shall thereupon certify to the Speaker the judgment and decision of the Judges or Judge before whom the election petition was tried, as affirmed, altered, varied, or changed, by the judgment of the said Supreme Court on the matter of the said appeal to it, as the Judges or Judge whose decision is appealed against would otherwise have done; and the said judgment and decision shall be final to all intents and purposes.

Or the Supreme Court may grant a new trial for cause.

Proceedings in such case.

70. Instead of certifying as aforesaid, the said Supreme Court, upon such conditions as to costs and otherwise as the said Supreme Court may think fit, may grant a new trial for the purpose of hearing evidence which in the opinion of the said Court was improperly rejected at the trial, or for the purpose of striking out evidence improperly received, and may remit the case back to the Judges or Judge who tried the same, or to some other Judges or Judge, who could under this Act have tried the said petition; and, subject to the directions given by the said Supreme Court, the case shall be thereafter proceeded with as if there had been no appeal.

WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS.

Withdrawal of a petition by leave.

71. An election petition under this Act shall not be withdrawn without the leave of the Court, Judges or Judge (according as the petition is then before the court, or before the Judges or Judge for trial) upon special application to be made in and at the prescribed manner, time and place:—

Notice.

No such application shall be made until the prescribed notice has been given in the electoral district to which the

petition relates, of the intention of the petitioner to make an application for the withdrawal of his petition;

Substitution of a petitioner may be asked.

On the hearing of the 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 Court, Judges or Judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition;

Additional security may be ordered in case of substitution, or, &c.

The Court, Judges or Judge may, if it, they or he think fit, substitute as petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is, in the opinion of the Court, Judges or Judge induced by any corrupt bargain or consideration, it, he or they may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the sum named in such security, the original petitioner, shall be liable to pay the costs of the substituted petitioner;

If not ordered

If no such order be made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution;

Effect of substitution.

Subject as aforesaid, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities as the original petitioner;

Liability for costs.

If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent, unless the Court, Judges or Judge otherwise orders;

All petitioners must join.

When there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

Report if the withdrawal be corrupt.

72. In every case of withdrawal of an election petition, under this Act, if the Court, Judges or Judge is of opinion that the withdrawal of such petition was the result of any corrupt arrangement or in consideration of the withdrawal of any other petition, the Court, Judges or Judge shall report such opinion to the Speaker, stating the reasons thereof and the circumstances attending the withdrawal

Abatement by death of petitioner.

73. An election petition under this Act shall be abated by the death of a sole petitioner, or of the survivor of several petitioners;

Costs.

The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred;

Notice of abatement.

On the abatement of a petition, the prescribed notice of such abatement having taken place shall be given in the electoral district to which the petition relates; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Court, Judges or Judge, in and at the prescribed manner, time and place, to be substituted as a petitioner;

Substitution of new petitioner.

The Court, Judges or Judge may, if it or they or he think fit, substitute as a petitioner any such applicant who is

desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new petition.

Abatement by death, &c., of respondent.

74 If before or during the trial of any election petition under this Act, any of the following events happen in the case of the respondent (that is to say) :

1. If he dies ;

2. If the House of Commons has resolved that his seat is vacant ;

3. If he gives notice to the Court or presiding Judge in and at the prescribed manner and time that he does not intend to oppose or further to oppose the petition ;

4. If he is summoned to Parliament as a Member of the Senate ;

Notice.

Notice of such event having taken place shall be given in the electoral district to which the petition relates ; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Court, Judges or Judge to be admitted as a respondent to oppose the petition or so much thereof as may remain undisposed of ; and such person shall, on such application, be admitted accordingly to oppose such petition or such undisposed portion thereof, either with the respondent, if there be one, or in place of the respondent ; and any number of persons, not exceeding three, may be so admitted ; and if either of such events happen during the trial, the Court, Judges or Judge shall adjourn the same, in order to the giving of notice that such 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.

New respondent.

If during trial.

Liability for costs.

Respondent not opposing petition.

75. A respondent who has given the prescribed notice that he does not intend to oppose or further oppose the petition, shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not sit or vote in the House of Commons until the House has been informed of the report on the petition ; and the Court, Judges or Judge shall, in all cases in which such notice has been given in the prescribed time and manner, report the same to the Speaker.

Report to Speaker.

Double return and respondent not opposing.

76. When an election petition under this Act complains of a double return, and the respondent has given notice in the prescribed time and manner that it is not his intention to oppose the petition, and no party has been admitted, in pursuance of this Act, to oppose the petition, then the petitioner, if there be no petition complaining of the other member returned on such double return, may withdraw his petition, by notice addressed to the prescribed officer, and

upon such withdrawal, the prescribed officer shall report the fact to the Speaker, and the House of Commons shall, thereupon, give the necessary directions for amending the said double return, in such manner as the case may require.

COSTS.

Costs of proceeding under this Act: how to be paid.

77. All costs, charges and expenses of and incidental to the presentation of an election petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges and 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 Court Judges or Judge may determine, regard being had to the disallowance of any costs, charges, or expenses which may, in the opinion of the Court, Judges or Judge, have been caused by vexatious conduct, unfounded allegations or unfounded objections, on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful;

How taxed and recovered.

The costs may be taxed in the prescribed manner, but according to the same principles as costs are taxed between parties in actions at law; and such costs may be recovered in the same manner as the costs in actions at law in the same Province, or in such other manner as may be prescribed.

Recovery of costs against petitioner out of deposit.

78. In the event of costs being awarded in favor of any party against any petitioner, such party shall, after the expiration of thirty days from the rendering of the decision by the Judges or Judge, or, in case of any appeal, by the Court, upon the production of a certificate of taxation from the proper officer, be entitled to receive out of the deposit the amount taxed to him as aforesaid, if the aggregate of the costs taxed against the said petitioner, certificates whereof are within the said period of thirty days filed with the Registrar, Clerk or other proper officer, do not exceed the deposit, or if the total amount of the said certificates so filed as aforesaid exceed the deposit, then his proportion thereof; and in the event last aforesaid such party shall be entitled forthwith to issue execution, according to the practice in ordinary cases, against the petitioner's goods or lands, for the residue of the costs so taxed to him as aforesaid.

Execution for residue if deposit is not sufficient.

RULES OF COURT.

Judges of the Supreme Court to make rules of practice under this Act.

79. The Judges of the Supreme Court of Canada, or a majority of them, of whom the Chief Justice must be one, may from time to time make, revoke, and alter general rules and orders (in this Act referred to as rules of Court) for the effectual execution of this Act and of the intention and object thereof, and the regulation of the practice and procedure and costs with respect to election petitions, and the trial thereof, the appeal therefrom and the certifying and reporting thereon.

Their effect.

2. Any general rules and orders made as aforesaid, and not inconsistent with this Act, shall be deemed to be within the powers conferred by this Act, and shall, while unrevoked, be of the same force as if they were enacted in the body of this Act;

To be laid before House of Commons.

3. Any general rules and orders made in pursuance of this section, shall be laid before the House of Commons within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

Practice in cases not provided for.

80. Until rules of Court have been made by the Judges of the Supreme Court in pursuance of this Act, and so far as such rules do not extend, the principles, practice and rules on which election petitions touching the election of members of the House of Commons in England, are, at the time of passing of this Act, dealt with, shall be observed so far as consistently with this Act they may be observed by the Courts and the Judges thereof.

MISCELLANEOUS.

Computation of time under this Act.

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

To what elections this Act shall apply.

82. All elections held after the passing of this Act, shall be subject to the provisions thereof, and shall not be questioned otherwise than in accordance therewith ; but no election or return held or made prior to the passing of this Act, shall be controverted or questioned under it, and all contestations of such elections or returns shall be governed by the laws then in force with respects to controverted elections for the House of Commons

Doubts under 27 V. c. 9, § sub-sections § 73, 101 and 103 removed.

83. Whereas doubts have arisen as to the proper construction of section seventy-three, one hundred and one, and one hundred and three, of "*The Dominion Elections Act*, 1874," and as to the effect upon elections held under the said Act, of the avoiding of previous elections, it is hereby enacted that elections held under the said Act, as well elections already held as elections hereafter to be held, shall be deemed and taken, as respects both candidates and voters, to be new elections in law and in fact, to all intents and purposes whatever, except as to the personal acts of the candidates, and the acts of agents done with the knowledge and consent of such candidates.

Who may practice in cases nnder this Act.

84. Any person who, according to the laws of the Province in which the petition is to be tried, is entitled to practise as an attorney-at-law or solicitor, before the Superior Courts of such Province, may practice as attorney or agent,

and any person who according to such law, is entitled to practise as a barrister-at-law or advocate before such Courts, may practise as counsel in the case of such petition and all matters relating thereto, before the Court or Judge in such Province.

Act not to 39 V. c. 9 and 10.

85. Nothing herein contained shall be construed to repeal the Acts passed in the thirty-ninth year of Her Majesty's reign, chapters nine and ten, and intituled "*An Act to make more effectual provision for the administration of the law relating to corrupt practices at elections of members of the House of Commons*," and "*An Act to provide for more effectual Inquiry into the existence of practices at elections of members of the House of Commons*" respectively; but the said Acts and each of them shall be read and construed as applying to this Act instead of "*The Dominion Controverted Elections Act*, 1874."

SCHEDULE.

(*Form of Affidavit on production of Books and Papers.*)

In the (*name of Court*)

Election for holden on the day of A.D.

I, of make oath and say:—

1. That I have in my possession or power the documents relating to the matters in question set forth in the first and second parts of the first schedule hereto annexed.

2. I object to produce the said documents set forth in the second part of the said first schedule.

3. (*State upon what grounds objection is made, and verify the facts as far as may be.*)

4. I have had, but have not now, in my or possession or power the documents relating to the matters in question set forth in the second schedule hereto annexed.

5. The last mentioned documents were last in my possession or power on (*state when.*)

6. (*State what has become of the last mentioned documents, to whom you have given them, and in whose possession they now are.*)

7. According to the best of my knowledge, remembrance, information and belief, I have not now, and never had in my own possession, custody or power, or in the possession, custody or power of my agents or attorneys, agent or attorney, or in the possession, custody or power of any other person on my behalf, any deed, account, book of accounts, minutes, voucher, receipt, letter, memorandum, paper or writing, or any copy of or extract from any such document or other document whatever, relating to the matters in question, or

any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the document set forth in the first and second schedule hereto annexed.

Sworn, &c.

(*Amnex the schedule mentioning the documents in question.*)

No. 4.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to make better provision for the trial of Controverted Elections of Members of the House of Commons, by amending and consolidating the Acts now in force on that subject.

Received and read first time, Friday, 21st February, 1879.

Second reading, Monday, 24th February, 1879.

Mr. McCARTHY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1879.

No. 5. **BILL.** [1879.

An Act to declare the rule of decision in the Courts of the North-West Territories.

Preamble.

WHEREAS it is expedient to declare the rule of decision in the Courts of the North-West Territories of Canada, as to which doubts might otherwise exist: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The rule of decision in Courts, &c., in N. W. T.

1. The rule of decision to be observed in all Courts and by all judges, justices and functionaries engaged in or with respect to the administration of justice in the North-West Territories aforesaid, in all cases and proceedings as to which no other provision has been or shall have been made by the Parliament of Canada, or by the Local Legislature under the authority of Parliament, or by any local authority having the necessary legislative power, shall be as follows:

In criminal cases.

Date of confederation.

1. In all criminal cases the law of England, as (modified by provincial Acts then in force) it applied to the Province of Ontario on the first day of July, one thousand eight hundred and sixty-seven, and as since altered or modified by the Acts of the Parliament of Canada, extended to the said Territories;

In civil cases.

Date of coming into force of the Rev. Stat. of Ontario.

2. In all matters of controversy relative to property and civil rights, the law of England, as (modified by provincial Acts then in force) it applied in the Province of Ontario, on the thirty-first day of December, one thousand eight hundred and seventy-seven, to such matters generally and independently of any local institutions or circumstances, subject to any alterations or modifications thereof, by any Act or Acts of the Parliament of Canada extended to the said Territories.

Fusion of law and equity, as to rights and remedies.

2. As respects matters of controversy relative to property and civil rights, the word "rights" in this Act, means and includes what are known in Ontario as "equitable" as well as what are known as "legal" rights, and the word "law" includes what is known in Ontario as "equity" or as "law" and the "rules of evidence," applicable to either, and all remedies and modes of procedure, used in the courts of law or of equity in the said Province for the enforcement or protection of rights: and every Court of civil jurisdiction in the said Territories, shall in all matters whatever to which its jurisdiction extends, have all the powers requisite for the perfect enforcement or protection of such rights, and shall in each and every case or incident thereof, adopt such of the said modes of procedure as it may deem best for

that purpose, and for doing justice most speedily and at least cost.

Provision as to rules of practice.

3. The legislative authority of the Territories, or of any territory, may make or authorize any Court therein to make, subject to the approval of such legislative authority, rules of practice for carrying this Act into effect.

Interpretation.

4. The expression "North-West Territories" in this Act, includes the District of Keewatin, and any territory now comprised or which may be thereafter comprised within the limits of Northern and Western Canada, and not within the limits of any Province.

No. 5.

1st Session 5 h Parliament, 42nd Victoria, 1879

BILL.

An Act to declare the rule of decision in the Courts of the North-West Territories

Received and read the first time, Monday, 24th February, 1879.

Second reading, Wednesday, 26th February, 1879.

Hon. Mr. MILLS.

OTTAWA:

Printed by MACLEAN ROGER & Co.,

1879.

No. 6.] **BILL.** [1879.

An Act to incorporate the Saskatchewan Colonization Railroad Company.

WHEREAS the construction of a railroad commencing at Winnipeg, and following a line thence northwesterly to intersect a line drawn westward from Selkirk through the townships twelve and thirteen to the western boundary of Province of Manitoba, thence on the best engineering line north-westward to the point on the South Saskatchewan river most convenient for bridging the same, with branch lines from Selkirk to the main line, and from the main line to some point on the boundary line near Emerson, and from Winnipeg to some point on the boundary line near the western boundary of the said Province, by way of Pembina Mountain, would be of general benefit to the Dominion of Canada; and whereas a petition has been presented for the incorporation of a Joint Stock Company for the purpose of constructing and working the same, and also of contructing, owning and operating lines of telegraph along the line of such railroad; and whereas it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Certain persons incorporated.

together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of the "Saskatchewan Colonization Railroad Company." Corporate name.

2. The said Company shall have full power and authority, to lay out, construct and complete a double or single track, iron or steel, railway of four feet eight and one half inches in width of gauge from the City of Winnipeg, northwesterly, to intersect a line drawn westward from Selkirk, through townships twelve and thirteen, to the western boundary of the Province of Manitoba, thence on the best engineering line northwestward to the point on the South Saskatchewan most convenient for bridging the same, with powers of extension from the main line to Selkirk, from the main line to some point on the boundary line near Emerson, and from Winnipeg to some point on the boundary line near the western boundary of the Province of Manitoba by way of Pembina Mountain. Company may build a railway with extensions.

May acquire land and water lot property.

3. Notwithstanding anything contained in section nine of "*The Railway Act* 1868," the said Company may acquire land and water lot property for the purposes of their undertaking in the mode provided for by the said section, and may acquire under the provisions in that behalf of the said Railway Act, and hold such width of land on the sides of the railroad and its branches at any point as may be needed for the erection of snow drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow, and the compensation to be paid to the owners for such lands; and the power of the said Company to take possession thereof shall in case of difference be ascertained and exercised in the manner provided by the section of the said Railway Act respecting lands and their valuation.

Compensation.

Provisional directors.

4. The persons named in the first section of this Act with power to add to their number, shall be and are hereby constituted Provisional Directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith 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 such subscriptions of stock; and they shall have power to receive payments on account of stock so subscribed, and to cause plans and surveys to be made and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and to withdraw the same solely for the purposes of the undertaking, and to receive on behalf of the Company any grant, loan, bonus or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railroad.

Their powers.

Capital stock and shares.

5. The capital stock of the company shall be (with power to increase the same in manner provided by "*The Railway Act* 1868") to be divided into shares of each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railroad and other purposes of this Act.

Application.

Ten per cent. on stock subscribed to be paid up.

6. No subscription of stock on the capital of the Company shall be legal or valid, unless ten per centum shall have been actually and *bonâ fide* paid thereon within days after subscription into one or more of the chartered banks of Canada, to be designated by the Directors, and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of such railroad,

or upon the dissolution of the Company from any cause whatever.

Grants in aid may be received.

7. The said Company may receive either from the Dominion Government, or any of the Provincial Governments, or from any persons, or bodies corporate, municipal or politic, who may have power to make or grant the same in aid of the construction, equipment and maintenance of the said railroad, free grants of land, bonuses, loans or gifts of money or securities for money.

First general meeting of shareholders.

8. When and so soon as shares to the amount of dollars in the capital stock of the said Company have been subscribed and ten per cent. paid thereon *bonâ fide*, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock at the city of for the purpose of electing Directors of the said Company, giving at least four weeks previous notice by public advertisement in some newspaper published in the city of , and also by circular addressed by mail to each subscriber, of the time, place and purpose of the said meeting.

Qualification of directors.

9. No person shall be elected a Director of the Company unless he shall be the holder and owner in his own right, or as trustee for any corporation of at least forty shares in the stock of the Company, and shall have paid up all calls thereon.

Business at first meeting.

10. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present shall choose nine persons to be Directors of the said Company (of whom five shall be a quorum) and may also pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, or "*The Railway Act* 1868."

By-laws.

Annual general meetings.

11. Thereafter the general annual meeting of the shareholders of the said Company for the election of Directors and other general purposes, shall be held at such place as may be appointed by by-law of the Company on the first of the month of in each year, and two weeks previous notice thereof shall be given by publication in the *Canada Gazette*.

Calls on stock.

12. No call to be made at any time upon the capital stock shall exceed ten per centum on the subscribed capital, and not less than thirty days shall intervene between any one call and a succeeding call.

Directors may vote by proxy.

13. The Directors of the Company may 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 five Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Quorum.

Directors may issue bonds to raise money for prosecuting the undertaking.

14. The Directors of the said Company under the authority of the shareholders to them given, are hereby authorized to issue bonds under the seal of the said Company, signed by its President or other presiding officer and countersigned by its Secretary, and such bonds shall be made payable in such money or moneys at such times and in such manner and at such place or places in Canada or elsewhere, and bearing such rate of interest as the Directors shall think proper, and the Directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions as at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking: Provided that the amount of such bonds so issued, sold or pledged shall not exceed twenty thousand dollars per mile, to be issued in proportion to the length of railroad constructed, or under contract to be constructed: Provided also that no such bonds shall be issued until at least dollars shall have been subscribed to the capital stock, and ten per centum of the same *bonâ fide* paid thereon; but notwithstanding any thing in this Act contained, the Company may secure the bonds to be issued by them, by a mortgage deed creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future, or both, as shall be described in the said deed; and by the said deed, the said Company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act, in respect of the said bonds, and all other powers and remedies not inconsistent with this Act; or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed, shall be valid and binding and available to the bondholders in manner and form as therein provided.

Proviso: amount limited.

Proviso.

To be a preferential charge on the property of the company.

15. The bonds hereby authorized to be issued shall without registration or formal conveyance be taken and considered to be the first preferential claims and charges upon the said Company, and the undertaking, tolls and incomes and real and personal property thereof, now or at any time hereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders, and shall have priority as such.

Provision if principal or interest of bonds is not paid.

16. If the said Company shall make default in paying the principal or interest of any of the bonds hereby authorized at the time when the same shall by the terms of the bond become due and payable, then at the next ensuing general annual meeting of the said Company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall in respect thereof, have and possess the same rights and privileges and qualifications for Directors and for voting at general meetings as would be attached to them as shareholders, if they had held fully

paid up shares of the said Company to a corresponding amount: Provided, nevertheless, that the right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said Company, and for that purpose the Company shall be bound on demand to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Proviso; bonds to be registered.

Proviso; certain rights saved.

17. All bonds, debentures and other securities hereby authorized, and the coupons and interest warrants thereon respectively may be made payable to bearer, and shall in that case be transferable by delivery, unless and until registry thereof in manner provided in the next preceding section, and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Transfer of bonds and other securities.

18. The said Company shall have power and authority to become parties to promissory notes and bills of exchange—for sums not less than one hundred dollars—and any such note or bill, made accepted or endorsed by the President or Vice-President of the said Company as President or Vice-President thereof, and countersigned by the Secretary, and under the authority of a majority of a quorum of the Directors shall be binding on the said Company, and any such promissory note or bill of exchange so made, as aforesaid, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President, or Vice-President, or Secretary, be individually responsible for the same, unles the said promissory notes or bills of exchange have been issued other than as aforesaid: Provided however, that nothing in this section shall be constructed to authorize the said Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Company may become parties to promissory notes.

Proviso.

19. All shareholders in the said Company, whether British subjects or aliens, or residents of Canada, or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and shall be eligible to office as Directors in the said Company.

Equal rights of shareholders.

20. Whenever it shall become necessary for the purpose of procuring sufficient lands for stations, water tanks, gravel or ballasting pits, or any other purposes for constructing,

Purchase of lands for

gravel pits and stations.

maintaining or using the said railroad, or working or using the trains to purchase more lands than is required for such stations or gravel pits, or ballasting or other purposes, the Company may purchase, take hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railroad in such manner and for such purposes connected with the construction, maintenance or use of the 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; and the compensation to be paid to the owners for such lands as also the power of the said Company to take possession thereof shall, in case of difference, be ascertained and exercised in the manner provided in the section of the said Railway Act respecting lands and their valuation.

Compensation therefor.

Line or rolling stock, &c. may be hired, and agreements made with other companies.

21. It shall be lawful for the Company to enter into any agreement with any other Company for the use or partial use of the railroad of the Company, or for leasing or for hiring from such other Company any other railroad, or part thereof, or the use thereof, and for any period or term, or for the leasing or hiring any locomotives, cars or movable property, and generally to make any agreement with any other Company touching the use of the railroad, or of the railway of the other Company or the movable property of the other Company, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and any other Company may agree for the loan of its credit (either by direct guarantee or traffic contract or otherwise), or may subscribe to or become the owner of the stock of the Company hereby created, in like manner and with like rights as individuals, and any 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 or executing such lease of agreement shall be and is empowered to exercise all the rights and privileges by this Act conferred, subject to all limitations and reservations in such lease expressed: Provided that any such agreement, lease or contract in this section mentioned or referred to, shall be first approved of and authorized by the shareholders of the said Company, at a general annual meeting of the same.

Effect of such agreement.

Proviso.

No discriminating rates between other companies.

22. When the railroad is completed and ready for traffic, the cars and traffic of the railway of other companies now constructed, or hereafter to be constructed, (including the cars of any other railway company which may be brought over such other railways) shall have the right to be hauled and forwarded over the railroad at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff for such transportation shall be made in favor or against any other Company whose cars or traffic may be forwarded over the Railroad.

Carrying of local traffic.

23. Any other company using the railroad shall have the right to carry and compete for the local traffic of the railroad of which monthly returns shall be made to the Com-

pany, and out of which local traffic a rate shall be allowed to such other company for earning the same, and the balance shall be struck half yearly, and then paid to the Company, and shall form part of the general fund of the Company to be applied and accounted for as in the twenty-fifth section of this Act provided.

Arbitration in case of disagreement.

24. In case of any disagreement, and as often as the same may arise as to the rights of any other company whose traffic shall pass or desire to pass over the railroad, or to pass over the other railways over which the agreements for passing traffic may have been made by the Company, or the tariff rates to be charged in respect thereof, or in respect to local traffic or the tariff rates in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company, and one by the other company with whom the disagreement shall have arisen, and a third (who shall be some one experienced in railway affairs) by one of the Superior Courts of the Province of Manitoba, upon application to such Court, due notice thereof in writing having first been given to the parties interested ; and the award of the arbitrators, or the majority of them shall be final: Provided the terms of the award shall not be binding for a longer term than five years.

Proviso.

Rates may be charged for forwarding traffic.

25. The Company shall have the right to charge the other companies whose traffic shall pass, or be forwarded over the railroad, such compensation by way of toll or rental as shall be found by experience requisite to yield an amount which shall be sufficient to pay the expense of keeping in repair, maintaining and managing the railroad, 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 centum 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.

Conveyances of land.

26. Conveyances of land to the said Company for the purposes of this Act, may be made in the form set out in the schedule hereunto annexed or to the like effect, and such conveyances shall be registered by duplicates thereof in such manner, and upon such proof of execution as is required under the Registry Laws affecting the same, and no Registrar shall be entitled to demand more than twenty-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Registration.

Company may hold steam and other vessels.

27. The Company may also build, purchase, acquire, lease, or possess, work and operate steam and other vessels, on any lakes, rivers, and other navigable waters, as they may deem proper, and may do all and such things as are necessary for improving the navigation between any of such lakes and others of them, and for the purpose of connecting the means of transport between the said waters, may construct a rail-

road or tramway of whatever material they may deem best suited for their purpose, between any such lakes or rivers, and others of them, and also around the rapids, or any other obstructions of any of the said rivers ; or may construct a canal or canals to avoid the same whenever requisite to further their interests, *guarded by this charter*.

May construct telegraph lines.

28. The Company may also construct an electric telegraph line in connection with the railroad, and may also erect and construct across any such rivers or lakes as are in the next preceding section referred to, or which may be in or near the route of the railroad a bridge or bridges where the same shall be necessary for the purposes of the railroad : Provided, however, that this shall in no wise apply to the navigable portions of any of the aforesaid waters, without the assent thereto of the Governor-General in Council first obtained.

Time for commencement and completion limited.

29. The railroad shall be commenced within years and completed within years from the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the Railroad as then remains incomplete.

SCHEDULE.

Know all men by these presents that I (*or* we) (*insert also the name of wife or any other person who may be a party*) in consideration of dollars paid to me (*or as the case may be*) by the Saskatchewan Colonization Railroad Company, the receipt whereof is hereby acknowledged, do grant, and I, the said , do grant and release (*or* do bar my dower in *as the case may be*) all that certain parcel, (*or* those certain parcels *as the case may be*) of land situate, (*fully describe the land*) the same having been selected by the said Company for the purposes of their Railroad, to hold with the appurtenances thereof unto the said Saskatchewan Colonization Railroad Company, their successors and assigns.

As witness my hand and seal (*or* our hands and seals) this day of one thousand eight hundred and

[L.S.] A. B.

Signed, sealed and delivered in the presence of

No. 6.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

An Act to incorporate the Saskatchewan Colonization Railroad Company.

Received and read, first time, Thursday, 27th February, 1879.

Second reading, Monday, 3rd March, 1879.

(PRIVATE BILL.)

Mr. SCHULTZ.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1879.

No. 7.] **BILL.** [1879.

An Act to amend the Act incorporating The Canada Life Assurance Company.

Preamble.

WHEREAS The Canada Life Assurance Company have, by their petition, represented that in carrying on their business heretofore the Directors have allotted and divided among the persons assured, upon the participation scale, seventy-five per cent. of all the profits realized from the entire business of the Company, and that in view of the increasing business of the Company, it is or may be desirable to vary the relative proportions in which such profits should be allotted and divided as between the shareholders and such persons assured, and have prayed for an amendment to their Act of incorporation as to the mode of allotment and division of profits and for other purposes: and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

New allotment of profits authorized.

1. The Directors of the said Company, instead of continuing to allot the profits realized in the business of the Company as heretofore in the proportions in the preamble mentioned, are hereby authorized in their discretion to make such new allotment and division of such profits among the persons assured on the participation scale and the shareholders of the Company, at such times and in such manner as they may think fit, and also from time to time to alter or vary the relative proportions in which such profits shall be allotted and divided as between such assured and the shareholders: Provided always, that the proportion of such profits allotted to such assured shall not be less than ninety per cent. thereof and the proportion to the shareholders shall not exceed ten per cent. thereof.

Proviso.

Annual general meeting.

2. The annual general meeting of the Company shall be holden at the City of Hamilton at such time and place as the Directors shall appoint, and notice of such meeting, as well as of any extraordinary meeting of the Company, shall be given as provided for in the said Act of incorporation.

Part of S. 7 of Act repealed.

3. The proviso to the seventh section of the Act incorporating the said Company is hereby repealed.

Section 19 amended.

4. The nineteenth section of the said Act is hereby amended by declaring that all policies, contracts, securities, deeds and writings touching or concerning the business of the said Company shall be signed and executed by the President or Vice-President, or in case of the absence or

death of both, by a Director of the said Company, and also by the Secretary or such other chief executive officer of the Company for the time being, as the Directors may from time to time appoint.

Further powers as to investment of funds.

5. The said Company, in addition to the powers in that behalf contained in the Act of incorporation, may invest the funds thereof in any of the public securities of the Dominion of Canada, or of any of the Provinces thereof, or of Great Britain and Ireland, or of any foreign state or country, or in the bonds, debentures or other securities of any of the cities or towns of Great Britain and Ireland or of such foreign state or country, but no greater amount shall be invested in the securities of Great Britain and Ireland or of any foreign state or country, or of the cities or towns therein respectively, than may be required for the purpose of complying with the requirements of such country or foreign state previously to obtaining a license for carrying on the business of the Company through their agencies, which have been or may be established therein.

Payment of Assurance elsewhere than in Ontario.

6. Where the personal representative of any person, if appointed by the proper Court in that behalf in the Province of Ontario, would be entitled to receive the insurance money under any policy issued by the said Company, and give a valid discharge therefor the payment of such money to the personal representative of any such person appointed by any Court in any of the Provinces of the Dominion of Canada, shall be a sufficient discharge to the said Company for the money so paid; and the payment of the insurance money secured by any policy to the executor, executrix or executors to whom probate of a will is or may be granted by a Court in any place or country without the Province of Ontario, shall be a sufficient discharge to the said Company for the money so paid where such executor, executrix or executors, if probate of such will were granted to him, her or them by a proper Court in that behalf in the Province of Ontario, would be entitled to receive such money and give a discharge therefor

Number of directors may be reduced.

7. The Directors of the said Company are hereby authorized, by resolution from time to time to be passed, to reduce the number of Directors of the Company to a number not less than twelve: Provided always, that such resolution shall have no force or effect unless and until confirmed by a majority of the shareholders at any annual general meeting or at any extraordinary meeting specially called for the purpose: Provided further, that until the number of Directors shall have been so reduced to twelve it shall not be incumbent on the shareholders to elect a new Director in place of any Director who may have died, resigned or become disqualified or incompetent to act as a Director, and that upon the number of Directors being so reduced, then at the annual general meetings the three Directors whose names stand first on the roll or list of Directors shall be held to vacate their seats and three stockholders shall be elected to serve as Directors for the ensuing four years; and the fifth section of the said Act of incorporation is hereby amended accordingly.

Proviso.

Proviso.

2nd Session, 4th Parliament, 42 Victoria, 1879.

BILL

An Act to amend the Act incorporating
The Canada Life Assurance Company.

ROBERTSON.
(Hamilton.)

No. 7.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act incorporating The Canada Life Assurance Company.

Received and read, first time, Thursday, 27th February, 1879.

Second reading Monday, 3rd March, 1879.

(PRIVATE BILL)

Mr. ROBERTSON,
(Hamilton.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 7.] **BILL.** [1879.

An Act to amend the Act incorporating The Canada Life Assurance Company.

(Reprinted as amended by the Sub-Committee of the Select Standing Committee on Banking and Commerce.)

Preamble.

WHEREAS The Canada Life Assurance Company have, by their petition, represented that in carrying on their business heretofore the Directors have allotted and divided among the persons assured upon the participation scale, seventy-five per cent of all the profits realized from the entire business of the Company, and that in view of the increasing business of the Company, it is or may be desirable to vary the relative proportions in which such profits should be allotted and divided as between the shareholders and such persons assured, and have prayed for an amendment to their Act of incorporation as to the mode of allotment and division of profits and for other purposes: and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

New allotment of profile authorized.

1. The Directors of the said Company, instead of continuing to allot the profits realized in the business of the Company as heretofore in the proportions in the preamble mentioned, are hereby authorized in their discretion to make such new allotment and division of such profits among the persons assured on the participation scale and the shareholders of the Company, at such times and in such manner as they may think fit, and also from time to time to alter or vary the relative proportions in which such profits shall be allotted and divided as between such assured and the shareholders: Provided always, that the proportion of such profits allotted to such assured shall not be less than ninety per cent. thereof and the proportion to the shareholders shall not exceed ten per cent. thereof.

Proviso.

Annual general meeting.

2. The annual general meeting of the Company shall be holden at the City of Hamilton at such time and place as the Directors shall appoint, and notice of such meeting, as well as of any extraordinary meeting of the Company, shall be given as provided for in the said Act of incorporation.

Part of S. 7 of Act repealed.

3. The proviso to the seventh section of the Act incorporating the said Company is hereby repealed.

Section 19 amended.

4. The nineteenth section of the said Act is hereby amended by declaring that all policies, contracts, securities,

deeds and writings touching or concerning the business of the said Company shall hereafter be signed and executed by the President or Vice-President, or in case of the absence or death of both, by a Director of the said Company, and also by the Secretary or such other chief executive officer of the Company for the time being, as the Directors may from time to time appoint.

Further powers as to investment of funds.

5. The Directors may from time to time establish agencies or branches within the Dominion of Canada or elsewhere, and, in addition to the powers in that behalf contained in the Act of incorporation, may invest the funds thereof in any of the public securities of the Dominion of Canada, or of any of the Provinces thereof, or of Great Britain and Ireland, or of any foreign state or country, but no greater amount shall be invested in the securities of Great Britain and Ireland or of any foreign state or country, than may be required for the purpose of complying with the requirements of such country or foreign state for carrying on the business of the Company through their agencies, which have been or may be established therein.

Number of directors may be reduced.

6. The Directors of the said Company are hereby authorized, by resolution from time to time to be passed, to reduce the number of Directors of the Company to a number not less than twelve: Provided always, that such resolution shall have no force or effect unless and until confirmed by a majority of the shareholders at any annual general meeting or at any extraordinary meeting specially called for the purpose: Provided further, that until the number of Directors shall have been so reduced to twelve it shall not be incumbent on the shareholders to elect a new Director in place of any Director who may have died, resigned or become disqualified or incompetent to act as a Director, and that upon the number of Directors being so reduced, then at the annual general meetings the three Directors whose names stand first on the roll or list of Directors shall be held to vacate their seats and three stockholders shall be elected to serve as Directors for the ensuing four years; and the fifth section of the said Act of incorporation is hereby amended accordingly.

Proviso:

Proviso:

No. 7.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act incorporating the Canada Life Assurance Company.

Reprinted as amended by the Sub-Committee of the Select Committee on Banking and Commerce.

(PRIVATE BILL.)

Mr. ROBERTSON (Hamilton).

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1879.

No. 8.] **BILL.** [1879.

An Act to ensure the better qualification of Public Servants, and the greater efficiency and economy of the Public Service.

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

1. In this Act the words "the Service" mean the occupants of all positions in the public employment whose whole time is required by the Government, and who receive a salary of more than three hundred dollars per annum, and of such other positions as may be specified from time to time by Order in Council, and persons temporarily employed as clerks or writers in the several Departments; the words "the Board" mean "the Board of Civil Service Commissioners," as hereinafter established; the words "Head of Department" mean any one of the officers specified in Schedule A of the Act thirty-first Victoria, chapter thirty-four, as amended by any subsequent Act; the word "Minister" means "the responsible Minister" of any Department; the word "Officer" means a "person employed in the Service." Interpretation.

2. There shall be a Board of Civil Service Commissioners consisting of five persons, not members of the Service, who shall be appointed by the Governor in Council, and shall hold office during good behaviour. If it seems expedient to the Governor in Council to provide a salary for such Commissioners, an Order in Council granting such salary shall be submitted to Parliament at the Session next after the passing of this Act, and shall be of no effect until approved of by Parliament. Board of commissioners. Proviso as to payment of commissioners.

3. The Board shall be charged with the carrying out of all legislation affecting the Service, and shall have such powers as are necessary to enable them to perform that duty. They shall also have power to make regulations for the management of the Service in all matters not provided for by legislation: Provided that all regulations in matters unprovided for as above, shall be subject to the approval of the Governor in Council. All such approved regulations and all executive acts of the Board shall be immediately published in the *Canada Gazette*. Executive acts of the Board, or regulations made by the Board for carrying out legislation, can only be annulled by an Order in Council approved by Parliament. Duties and powers of the board. Proviso. Publication of regulations, &c.

Classification

4. The officers of the Service shall be classed in two Divisions.

Higher division.

The Higher Division shall include all such officers permanently appointed and assigned definite positions as may be designated by Order in Council,

Lower division.

The Lower Division shall include all persons temporarily employed in any capacity, and all officers not included in the Higher Division by Order in Council.

Entrance salaries to be fixed.

5. Before the Session of Parliament next after the passing of this Act, uniform rates of entrance salaries shall be established by Order in Council for the officers of the Higher and Lower Divisions, respectively, in the same manner as is hereinafter provided for fixing the salaries of Civil Service Commissioners, and subject to the same provision: Any

As to changes in existing rates.

change in existing rates of salary made by such Order in Council shall apply only to officers appointed after the date at which it takes effect.

Division of work of departments.

6. The Board shall, as far as possible, divide the work in each Department in such a manner as to separate that which is purely mechanical from such as requires any special or departmental knowledge.

Appointments and promotions, how made.

7. After a date to be fixed by Order in Council, within six months from the passing of this Act, all appointments and promotions in the Service shall be made in the manner hereinafter specified:—All first appointments shall be made to the lowest grade of permanent officers, or at the minimum entrance salary of the Division in which they are made,

Appointment by merit after examination.

except as hereinafter provided. Persons eligible for appointments in the Service shall be selected for merit by means of open examinations, as follows, viz.: by a "Qualifying Examination" intended to test the fitness for employment of those who present themselves; and a "Competitive Examination" to select from those who prove to be qualified the number required for the Service.

Examinations and notice thereof.

8. All examinations shall be conducted by a Committee of the Board, who may appoint Assistant Examiners, not more than one for each Province, whose salaries, if any be allowed them, shall be fixed from time to time in the same manner as is hereinbefore provided for fixing the salaries of Civil Service Commissioners. Notice shall be given by public advertisement, six months in advance, of the place and date of such examinations, the conditions of admission, and the number of positions expected to be vacant, during the year following, in the permanent Service, with the salaries attached to each, amount of fees, subjects prescribed, and all particulars necessary to inform

Computation of vacancies.

the public. The number of probable vacancies shall be computed by adding ten per cent. to the average number of vacancies per year in the five next preceding years. The Board may prescribe a fee for entrance to such examinations.

Qualifying examinations.

9. Qualifying Examinations shall be held at least once in each year, in at least one place in each Province, provided

that ten applications have then been received from that Province, and in such other places as the Governor in Council may direct. Every examination shall take place in the presence of an Examiner or Assistant Examiner, and all answers shall be submitted to the Examining Committee, who shall prepare such lists and reports as are hereinafter required. The Qualifying Examinations shall be open to all between the ages of fifteen and forty for the Lower Division, and between the ages of eighteen and thirty for the Higher Division, who may make written application in the manner specified by the Board, accompanied by payment of fees, if any are prescribed, and such certificates as to health, age and character as the Board may require. Applicants shall state which Division of the Service they wish to enter. Applicants for the Lower Division must enter into an engagement to accept any employment that may be given them at any time within one year from the date of passing this examination. Such examinations shall be conducted in writing, and the Examining Committee shall prepare a set of papers for each class of applicants, intended to test their general intelligence and fair education, and shall prescribe what percentage of marks shall be requisite for passing such examination. Such papers shall be uniform for the whole Dominion, except that the French language may be substituted for the English. All who obtain the required percentage of marks shall receive certificates of qualification. Applicants for the Lower Division shall be graded at this examination in order of merit.

Who may be examined.

Engagement to be entered into.

Form of examination.

Grading for lower division.

10. Competitive Examinations shall be held as soon as may be after each qualifying examination, in such places as the Board may direct. The Board shall give notice of the time of holding these examinations to all holders of certificates of qualification, and shall prescribe a form of application for admittance. They shall be open to all holders of certificates of qualification who shall have applied in the manner specified by the Board, and who enter into an engagement to accept any position to which they may be appointed. Such examination shall also be conducted in writing, and the Examining Committee shall prepare an uniform set of papers for the examinations, and also, special papers, if a selection is to be made for some special or scientific service. The general papers shall include a wide range of subjects, such as the Board may consider calculated to afford a field for men of varied education, and to test the general ability of candidates. Each subject shall have a maximum number of marks attached to it. Each candidate shall be allowed to choose from these not more than eight or less than three subjects, valued in the aggregate at not less than four times the maximum marks of the subject to which fewest marks have been allotted. Candidates for special or scientific employment shall only be required to take the subjects prescribed for such positions, and shall only compete with other candidates for the same class of employment. No marks shall be counted for any candidate in any subject in which he obtains less than twenty-five per cent. of the marks allotted there-

Competitive examinations and regulations therefor.

Candidates for special employments.

Marks.

to. No candidate shall be allowed to pass who obtains less than fifty per cent. of the aggregate of marks in the group of subjects he has chosen, or the compulsory subjects prescribed for him. A bonus in marks *shall* be added to the number of marks actually earned by any candidate in any subject, in the proportion of twenty per cent. of such number. Lists of candidates who have passed shall be made out in order of merit up to the published number of vacancies, classing the candidates for special or scientific employment separately, and showing the marks counted for each ; and certificates of merit shall be issued to each of such ind viduals, stating his standing and marks. Certificates of merit shall only be in force for one year or until the publication of the list after the next general competive examination.

Bonus to be added to marks earned.

Duration of certificates.

Special examinations.

11. Special qualifying or competitive examinations may be held at any time or place by order of the Board after due public notice. They shall be conducted in every respect as hereinbefore prescribed for regular examinations.

How appointments in the higher division shall be made.

12. Appointments in the Higher Division shall be made by the Board on application by Heads of Departments, in the following manner:—Holders of certificates of merit shall be provisionally employed as vacancies occur, taking them in order of standing The same rule shall be followed in employing persons who have passed special or scientific examinations, and no appointment shall be made to positions requiring special scientific knowledge, except of persons who have passed such examinations as have been prescribed therefor. If more than one vacancy exists at the same time, certificate holders may be allowed to choose between them in order of standing. At the end of one year from the provisional employment of any officer a report shall be made by his immediate superior in the Department touching his conduct, application and general efficiency. If such report be satisfactory to the Board, he shall, on their recommendation, be permanently appointed to the situation he then fills, and his standing shall be reckoned for all purposes from the date of his first employment. If such recommendation be not made by the Board, he shall be immediately dismissed from his employment.

Employment in the lower division.

2. Holders of certificates of qualification for the Lower Division may be employed by the Board on application from Heads of Departments, and may have such duties assigned to them as they may be deemed capable of discharging. They shall be taken, when convenient, in order of standing and shall be subject to dismissal by the Head of their Department at any time for cause, or, after one month's notice, without cause assigned. If any permanent positions be included in the Lower Division they shall be filled from amongst the holders of certificates of qualification in the same manner as specified for the Higher Division.

Promotion.

3. All permanent situations in the Service above the lowest grade shall be filled by promotion except as hereinafter provided.

13. The Board shall classify the officers in grades in each Department, and in the special services of any Department for purposes of promotion, making such classification as nearly uniform in the different Departments as the nature of the work will permit. They shall also make regulations as to the course of promotion, and may group together certain grades of two or more Departments, or the different services of any Department, so as to allow of promotion from one Deparment or service to another within such group. Classification in departments and groups for promotion.

2. They shall also prescribe in any Department where the nature of the work permits it, and in all scientific branches of the service, an examination bearing on the duties as officers, as a condition of promotion to any grade in that Department, and may require the passing of the examination for the next higher grade within a fixed time as a condition of retaining any officers in the Service. Examination in departments.

14. Promotions shall be made by the Governor in Council on the recommendation of the Board and shall be only from one grade to the next higher, and no officer shall be promoted in rank within one year from his appointment or last promotion. Vacancies shall be filled by promoting the next qualified officer in order of seniority, unless the Head of the Department makes a special report to the Board, giving reasons satisfactory to the Board for the promotion of some other qualified officer. Promotions, how made. Vacancies how to be filled.

15. The Governor in Council shall specify certain higher officers to the number of not more than *fifteen* in each Department, who shall constitute the staff of such Department. All appointments of staff officers shall be made by the Governor in Council, on recommendation of the Minister for the Department in which they are made, and such staff officers shall be exempt from the regulations as to promotion and discipline contained in this Act. Staff officers to be designated.

16. The Governor in Council may also on emergency make appointments for special services of persons not qualified under this Act, on report of a Minister, but no person so appointed shall become a permanent officer, or enjoy any of the rights or privileges of an officer in the service, until he shall have passed such examination as the Board may prescribe. Special appointments on emergency.

17. Heads of Departments shall have power to enforce discipline by fines and suspensions from office to an amount or for a period to be limited by the Board. Discipline.

18. Officers shall only be dismissed by the Governor in Council on the recommendation of the Board, who shall consider all reports touching the dismissal of any officer made to them by the Head of his Department, but may advise the dismissal of an officer without any report being made. In all cases they shall allege the reasons for dismissal. Dismissal of officers.

Publication of appointments, &c.

19. All appointments, promotions, transfers and superannuations in the service, and dismissals therefrom, shall be published in the *Gazette* when made; and if they have been special, the authority and reasons for making them shall also be published.

Annual report to be prepared.

20. The Board shall prepare an annual report for presentation to Parliament, containing a full account of all executive business conducted by them, including examination papers, lists of applicants and successful candidates, appointments, promotions, transfers, superannuations and dismissals; they shall also, in the first year after their appointment, and in every fifth year thereafter, prepare for presentation to Parliament a return of the name, age, rank, salary and date of appointment of all officer in the Service, by Departments

Inconsistent enactments repealed.

21. All Acts and regulations for the management of the Service, or any parts thereof, which conflict with this Act, or any provision thereof, are hereby repealed and abrogated.

No. 8.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to ensure the better qualification of Public Servants, and the greater efficiency and economy of the Public Service.

Received and read first time, Thursday, 27th February, 1879.

Second reading, Monday, 3rd March, 1879.

Mr. CASEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1879.

No. 9. **BILL.** [1879.

An Act to incorporate the Selkirk and South Saskatchewan Railway Company.

Preamb'e.

WHEREAS the construction of a Railway with branches as hereinafter set forth is desirable for the development of certain portions of the country in the territory lying westerly of the Province of Manitoba; and for the public convenience and accommodation of the inhabitants thereof, by connecting the settlements and communities by Railroad, by the most direct and practicable line with the Canadian Pacific Railway, and thereby with the older Provinces of the Dominion and the markets of the east; and whereas a petition has been presented praying for the incorporation of a Company to construct the same, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Richard Fuller, John Ross, Jacob Hespeler, William Gooderham, W. H. Cross, Alexander Myer, John Wardrope, J. M. Pilbody, James H. Fraser, James Swift, Joseph Upper, Thomas Howard, Benjamin W. Folger, J. C. Hamilton, Stewart Mulkin, John McGlashen, together with such other persons and corporations as shall in pursuance of this Act, become shareholders of the Company to be hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Selkirk and South Saskatchewan Railway Company," hereinafter called the Company.

Corporate name.

Object and powers of the company.

Line of railway defined.

2. The Company shall have full power under this Act to construct a railway from some point at or near Selkirk, on the Red River, at or near the line of the Canadian Pacific Railway, in the Province of Manitoba, to a point at or near the South Saskatchewan River, in the North-West Territory, on a line described in general terms, as follows: Commencing at the said town of Selkirk, thence along and upon, or in the vicinity of the line bounding on the south the most northerly tier of sections in the several townships numbered thirteen to the corner between sections twenty-five, twenty-six, thirty-five and thirty-six, in township thirteen, fourth range west; thence on a line south-westerly to the fourth base line at the corner of sections thirty-four and thirty-five, in township twelve, range five, west; thence westerly, along or upon or in the vicinity of the said fourth base line to a point on the westerly side of the Little Saskatchewan River; thence north-westerly past Shoal Lake to a point on the west side of the River Assiniboine, in the vicinity of the confluence therewith of its tributary the Shell River; thence in a westerly direction past the Touchwood Hills to some convenient point on the South Sas-

katchewan River; and also to build and operate a branch line of railway from the above described line, at a point on the latter, at or near the corner of sections twenty-nine, thirty, thirty-one and thirty-two, in township thirteen, range three, east; thence due south, along or upon the line bounding on the east, the most westerly tier of sections in the said township thirteen, and the township twelve, also in the said third range, east, and thence to some point in the City of Winnipeg; and also to build and operate a further branch line of railway, from the first mentioned one, at the corner between sections twenty-five, twenty-six, thirty-five and thirty-six, in township thirteen, range four, west, before mentioned; thence north-westerly to connect with the navigable waters of Lake Manitoba, at Lake St. Francis, or Clandeboye Bay, or that vicinity, on the south-easterly or southern shore of the said lake; and also to connect the main line, described above, with the Canadian Pacific Railway, at Selkirk, aforesaid; and the Company shall have full power to pass over any portion of the country between the points aforesaid, and to carry the said railway or its branches through the Dominion lands, if any, lying between the points aforesaid.

Stations, &c., may be constructed.

3. The Company may construct depots, stations, warehouses, elevators, workshops, offices, and other buildings and works, at or near any one or more of the several points on the line of railway hereby authorized.

Agreements may be made with C P R.

4. It shall be lawful for the Company to enter into any arrangement with the Canadian Pacific Railway for the working of the said railway, or for granting running powers thereon, or to enter into any agreement for leasing the said railway or any part thereof, or the use thereof, or any part thereof, at any time or times, or for any period, with the Canadian Pacific Railway.

Form of conveyance of land.

5. Conveyances of land to the Company for the purposes of and the exercise of the powers given by this Act, made in the form set out in the Schedule A to this Act, or to the like effect shall be a sufficient conveyance to the Company, their successors and assigns, of the estate, or interest, and sufficient bar of dower respectively, of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Manitoba and the North-West Territories; and no registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Provisional directors.

6. The several persons named in the first section of this Act shall be the provisional directors of the Company.

Their powers and quorum.

7. The said provisional directors, until others shall be appointed as hereinafter provided, shall constitute the board of directors of the Company, of whom nine shall form a quorum, with power to fill vacancies occurring therein, to

associate with themselves therein not more than five other persons, who being so appointed shall become and be provisional directors of the Company, equally with themselves; to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under "*The Railway Act*, 1868," are vested in such boards; 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 Company from proceeding with and completing their undertaking under the provisions of this Act.

Capital stock and shares.

8. The capital stock of the Company shall be one million dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into ten thousand shares of one hundred dollars each, and the said sum shall be raised by the persons and corporations who may and shall become shareholders in the Company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the survey, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act, and no other purposes whatsoever; and until such preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any city, county, township, town or village on the line of such works, or for any individual or individuals to pay and advance, either by way of bonus or donation, or by way of loan to the Company such preliminary expenses or any part thereof, as to the council of such municipality or to such individual or individuals may appear expedient; and in case of a loan any such sum so advanced shall be refunded to the municipality or individual or individuals from the stock of the Company, or shall be allowed in payment of any stock which may be subscribed for by such municipality or individual or individuals.

Preliminary expenses may be advanced.

Repayment.

Ten per cent payable on subscription.

9. On the subscription for shares of the capital stock, each subscriber shall, within three days thereafter, pay ten per centum of the amount subscribed by him into some chartered bank, to be designated by the directors, to the credit of the Company; and no such subscription, unless the said deposit of ten per centum thereof be made as aforesaid, and within such time, shall be binding on the Company.

Subsequent calls.

Proviso.

10. Thereafter calls may be made by the directors for the time being as they shall see fit: Provided that no call shall be made at any one time of more than ten per centum of the amounts subscribed by each subscriber, nor at intervals of less than ninety days.

Paid up stock may be issued for certain purposes.

11. The directors elected by the shareholders may make or issue stock as paid up stock, and may pay, or agree to pay in such or any paid up stock, or in the bonds of the Company, such sums as they deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock; and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters, or other persons be provisional directors or not.

First meeting of shareholders.

12. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the Company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in Manitoba or Ontario, (which shall on no account be withdrawn therefrom, unless for the purposes of the Company) the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the Company.

Stock may be paid up in full.

13. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they deem expedient and reasonable, and thereon to issue to each subscriber, scrip to the full amount of such stock subscribed.

Calling of meeting in case of neglect of directors.

14. In case the provisional directors neglect to call such meeting to be held on some day within the space of two months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls due thereon.

Notice of meeting, and proceedings thereat.

15. In either case notice of the time and place of holding such general meeting shall be given by publication in the Manitoba *Gazette*, and in one other newspaper in the Province of Manitoba, once in each week for the space of at least four weeks, and such meeting shall be held at such place, and on such day as may be named by such notice, and at such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be directors of the Company, and may also make, or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual general meetings.

16. Thereafter the general annual meeting of the shareholders of the Company shall be held in such place and on such day and at such hours, as may be directed by the by-laws of the Company; and public notice thereof shall be

given at least four weeks previously in the *Manitoba Gazette*, and once a week for four weeks in some newspaper of the Province of Manitoba.

Special general meetings.

17. Special general meetings of the shareholders of the Company may be held at such place as the directors may determine, and at such times and in such manner and for such purposes as may be provided by the by-laws of the Company.

Votes on shares.

18. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Quorum at meetings of directors.

Managing director.

19. Any meeting of the elected directors of the Company regularly summoned at which not less than six directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors, and the said board of directors may employ and pay one of their number as managing director.

Qualification of director.

20. No person shall be qualified to be elected as a director unless he be a shareholder holding at least five shares of stock in the Company, and unless he has paid up all calls thereon.

Agreements may be made as to highways.

21. It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises to pass a by-law or by-laws, empowering the Company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company ; and if such be either in the possession or under the control of any joint stock company then with the assent of such company ; and it shall and may be lawful for the Company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Company may receive aid.

22. The Company may receive from any Government or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway by way of bonus, gift or loan in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Grants of land may be made.

23. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said Company any lands belonging to such municipality which may be required for right of way, station grounds, or

other purposes connected with the running or traffic of the said railway; and the Company shall have power to accept gifts of land from any Government or any person or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the Company.

Subsidies from municipalities.

24. It shall further be lawful for any municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the Company pass, or are situated to aid and assist the Company by loaning or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing 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; Provided always, that no such aid, loan, bonus, or guarantee shall be given except after the passing of by-laws for the purpose and the adoption of such by-laws by the qualified ratepayers of the municipality as provided in the proper Municipal Act for the creation of debts.

Debentures given as bonus to be delivered to trustees.

25. Whenever any municipality shall grant aid by way of bonus or gift to the Company, the debentures thereof shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees; one to be appointed by the heads or head of the municipality or municipalities granting such bonus, one to be appointed by the Company and one to be appointed by the Lieutenant-Governor of Manitoba in Council: Provided, that if the Lieutenant-Governor in Council shall refuse or neglect to appoint such trustee within one month after notice in writing to him, requesting him to appoint such trustee, the Company shall be at liberty to appoint one in the place of the one to have been appointed by the said Lieutenant-Governor in Council; and the act of any two of such trustees shall be valid and binding.

Appointment of new trustees.

26. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the Company, and in case any trustee die or resign his trust, or remove his residence out of Manitoba or the North-West Territory, or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the Company.

Application of debentures by trustees.

27. The said trustees shall receive the said debentures in trust; firstly, to deposit the same in some chartered bank of Canada; secondly, to convert the same, or any of them, into money whenever required to do so by the directors, but subject to the conditions of the by-law in relation thereto as to time and manner, and to deposit the amounts realized from the sale thereof in such bank in the name of "The Selkirk and South Saskatchewan Railway Company Municipal Trust Account;" and to deliver the said debentures to the Company, or to pay the said money out to the Company, from time to time, on the

certificate of the Chief Engineer of the said railway, in the form set out in schedule B hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out, or the debentures to be delivered, are to be applied, and the total amount per mile for the length or portion of the road to which the said money or debentures are to be applied, and such certificates shall be attached to the cheques or orders to be drawn by the said trustees; and the wrongfully granting of any such certificate by the said Engineer shall be punishable by a penalty of not less than one thousand dollars, recoverable in any Court of competent jurisdiction; and the wilfully and wrongfully granting of any such certificate by such Engineer shall be a misdemeanor, and punishable by a fine of not less than one thousand dollars, or by imprisonment, or both, at the discretion of the Court.

Engineer's certificate.

Penalty for issuing certificate wrongfully.

28. It shall, and may be lawful for the Council of any municipality that may grant a bonus to the Company, and they shall have full power to extend the time for the completion of the works, on the completion of which the Company would be entitled to such bonuses.

Time for completion may be extended.

29. The directors of the Company, after the sanction of the shareholders shall have first been obtained, at any special general meeting to be called from time to time for that purpose, shall have power 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 Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and be 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 after 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 upon the property of the Company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile of the said road; and in the computing of mileage for the issue of such bonds all sidings shall be reckoned and included, in addition to the main lines and branches of the said road: and provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing then at the next ensuing general annual meeting of the Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for Directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the Secretary of the Company to register the same on being required to do so by any holder thereof

Bonds of the company may be issued.

Proviso: amount limited.

Proviso: voting power of bondholders.

Bonds may be payable to bearer.

30. All such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery; and any holder of any such, so made payable to bearer, may sue at law thereon in his own name.

Bonds, where and in what currency payable.

31. The bonds of the Company may be made payable, principal and interest, in Canadian currency in any city of the Dominion named in the bond, or in sterling money, principal and interest, payable in London, England.

Company may become parties to promissory notes.

32. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-president of the Company and countersigned by the Secretary and Treasurer of the Company, and under the authority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the Company affixed to such promissory notes or bills of exchange, nor shall the President or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Directors, as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Acquisition of land for stations, &c

33. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said Railway, and, in case by purchasing the whole or any lot or parcel of land over which the Railway is to run, the Company can obtain the same at a more reasonable price and to greater advantage than by purchasing the railway line only, the Company may purchase, hold, use or enjoy such land, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient.

Arbitration in cases of disagreement as to compensation for material.

34. When stone, gravel or any other material is or are required for the construction or maintenance of the said railway, or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause a a Provincial or Dominion Surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitrators, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the right of way; and all the provisions of the Railway

Act, as varied and modified by this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the Company, either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they shall think necessary; and the notice of arbitration, in case arbitration is resorted to, shall state the interest required.

Access to land at a distance from the line.

35. When the said gravel, stone or other materials shall be taken under the next preceding section, at a distance from the line of the railway, the Company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be, and all the provisions of the Railway Act, and this Act, except such as relates to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which the materials are situated; and such right of way may be so acquired for a term of years, or permanently, as the Company may think proper, and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed for the purpose of maintaining and repairing the said railway.

Purchase and sale of land for stations, &c.

36. The Company shall have full power for the purposes of the said railway to purchase or lease any land for the purpose of erecting depots, stations, warehouses, workshops, offices, and other buildings and works, and to sell, dispose of and convey all such lands as they may at any time deem superfluous, and convey such lands by deed under their common seal; and a deed so executed shall be effectual to vest the lands comprised therein in the grantee or purchaser of the said lands, freed and discharged of the said charge or lien, as though he had acquired the same from the party or parties from whom the Company obtained the same.

Effect of conveyance.

Telegraph lines may be constructed.

37. The Company shall have full power and authority to construct, work, and operate such line or lines of telegraph in connection with and along the line of their railway as may be necessary or useful for the purposes of their undertaking.

Time for commencement and completion.

38. The work shall be commenced twelve months after the passing of this Act, and completed to or near Rat Creek, in the Province of Manitoba, by the time the Canadian Pacific Railway is completed from Thunder Bay to the Red River of the North, and twelve months later the line shall be completed to or near the little Saskatchewan, in the North-West Territory; and finally, the line shall be extended westwards as the development and business necessities of the country shall require the same.

SCHEDULE A.

Know all men by these presents that I (*or* we *insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by the Selkirk and South Saskatchewan Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels *as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purposes of their said railway; to hold with the appurtenances unto the said The Selkirk and South Saskatchewan Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (*or* we) the wife (*or* wives of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and
delivered in presence of

[L.S.]

SCHEDULE B.

Chief Engineer's Certificate.

The Selkirk and South Saskatchewan Railway Company's Office A.D. 18

No.

CERTIFICATE TO BE ATTACHED TO CHEQUES DRAWN ON THE SELKIRK AND SOUTH SASKATCHEWAN RAILWAY COMPANY MUNICIPAL TRUST ACCOUNT, AND GIVEN UNDER SECTION OF CHAPTER VICTORIA.

I, Chief Engineer for The Selkirk and South Saskatchewan Railway Company, do hereby certify that there has been expended in the construction of mile No. (the said mileage being numbered consecutively from the point of commencement at) the sum of dollars, to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, and is now due and payable as provided under the said Act.

No. 9.

1st Session, 4th Parliament, 42 victoria, 18

BILL.

An Act to incorporate the Selkirk a South Saskatchewan Railway Co pany.

Received and read, first time, Thursday, 27 February, 1879.

Second reading, Monday, 3rd March, 1879.

Mr. RYKERT.

OTTAWA:
Printed by MACLEAN, ROGER & Co.
1879.

No. 10.] **BILL.** [1879.

An Act to extend the powers of the Dominion Telegraph Company and to amend the Act incorporating the said Company.

WHEREAS the Dominion Telegraph Company have, by their petition, prayed that the powers of the Company may be extended to all parts of Canada, and that their Act of incorporation, thirty-fourth Victoria, chapter fifty-two, may be amended; and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 34 V. c. 52.

1. The powers, privileges and franchises conferred upon the said Company in and by the said Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, chapter fifty-two, shall be and are hereby extended to and may by the Company be exercised and enjoyed in all parts and places within the limits of the Dominion of Canada, as now existing, as fully and amply to all intents and purposes as if the clauses and provisions granting the same had, when the said Act was passed, been extended and made applicable to all and every part of the territory now embraced in the said Dominion. Powers extended to all Canada.

2. Section five of the said Act is hereby amended by inserting after the word "with," in the ninth line thereof, the words "or to lease their line or any portion or portions thereof from time to time to." Section 5 amended.

3. Section six of the said Act is hereby amended by inserting after the word "shareholders," the words "present at any general meeting, or at any special general meeting of shareholders called for that purpose." Section 6 amended.

4. Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company, and after at least fifteen days public notice thereof, inserted in some newspaper published in the City of Toronto, shall have been first given. Meetings.

5. It shall and may be lawful for or more shareholders of the said Company who are in the aggregate holders of at least shares of the capital stock, upon which all calls have been paid, to require the Directors of the said Company to call a special general meeting of the shareholders of Meetings called by shareholders.

after at least fifteen days public notice thereof, inserted in two daily newspapers published in the City of Toronto, shall have been first given.

Meetings called by shareholders.

5. It shall and may be lawful for twenty-five or more shareholders of the said Company who are in the aggregate holders of at least two thousand shares of the capital stock, upon which all calls have been paid, to require the Directors of the said Company to call a special general meeting of the shareholders of the said Company for some purpose connected with or concerning the affairs of the said Company; and if the said Directors shall neglect or refuse to call such meeting after fifteen days notice in writing requesting them to call such meeting, signed by the said shareholders, and in which shall be stated the purpose for which it is requested that such meeting should be called, shall have been served on the Secretary of the said Company at the Head Office in Toronto, it shall and may be lawful for such shareholders to call such meeting, first giving at least fifteen days previous public notice thereof, signed by them, in two daily newspapers published in the City of Toronto.

Section 10 amended.

6. Section ten of the said Act is hereby amended by inserting after the word "Company," in the fourth line, and in lieu of the words "and they," the words "or such other additional number of shares not exceeding forty as the shareholders shall by any resolution passed at any general annual meeting or special general meeting from time to time determine and the said Board of Directors."

No. 10.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to extend the powers of the Dominion Telegraph Company and to amend the Act incorporating the said Company.

(Reprinted as amended by the Standing Committee on Railways, Canals and Telegraph Lines.)

(PRIVATE BILL.)

Mr. KIRKPATRICK.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1879.

No. 11.] BILL. [1879.

An Act respecting the International Bridge Company.

Preamble.

WHEREAS the International Bridge Company, by their petition, have prayed that their capital stock may be increased to the sum of three millions of dollars; 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 increased.

1. The capital stock of the International Bridge Company shall be three millions of dollars, instead of one million five hundred thousand dollars, as provided in clause two of the agreement for the consolidation and amalgamation of the two companies known as the International Bridge Company, incorporated under the laws of the State of New York, and the International Bridge Company incorporated under the laws of the late Province of Canada, and which agreement is dated the eighteenth day of May in the year of our Lord one thousand eight hundred and seventy; and the whole number of shares in the said capital stock shall be thirty thousand, of the par value of one hundred dollars each, instead of fifteen thousand shares as in the said second clause of the said agreement provided.

Agreement amended.

2. The said clause two of the said agreement shall be read taken and held to be amended in the respects above mentioned, and therein the words "three millions" shall be substituted for the words "one million five hundred thousand," and the words "thirty thousand shares" for the words "fifteen thousand shares," as in the said clause heretofore contained.

Other provisions to apply.

3. All other the provisions of the said agreement shall apply to the said capital stock as hereby increased, and the said agreement shall be read, taken and held as if the said capital stock and number of shares had been in the said agreement, as increased by this Act.

No. 11.

1st Session, 4th Parliament, 41 Victoria, 1879

BILL.

An Act respecting the International Bridge Company.

Received and read, first time, Thursday, 27th February, 1879.

Second reading, Monday, 3rd March, 1879.

(PRIVATE BILL.)

Mr. KIRKPATRICK,

OTTAWA:
Printed by MACLEAN, ROGER & Co.
1879

No. 12,] **BILL** [1879.

An Act to authorize the Welland Railway Company to convert their Six per cent. Debenture Bonds into Five per cent. Debenture Stock, and for other purposes.

Preamble.

WHEREAS the Welland Railway Company was incorporated by an Act of the Legislature of the late Province of Canada, passed in the sixteenth year of Her Majesty's reign intituled: "*An Act to incorporate the Port Dalhousie and Thorold Railway Company*," for the purposes in the said Act mentioned; and by an Act of the said Legislature passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, intituled: "*An Act to extend the line of the Port Dalhousie and Thorold Railway Company*," the powers of the said Company were extended and enlarged; and by an Act of the said Legislature passed in the twentieth year of Her Majesty's reign, and intituled "*An Act to increase the capital stock of the Port Dalhousie and Thorold Railway Company and to change the name of the Company*," the name of the said Company was changed to "The Welland Railway Company";

And whereas, under and by virtue of the powers contained in the Act first mentioned, and the clauses of "The Railway Clauses Consolidated Act" therein incorporated, the said Company has created and issued the following mortgage debentures:

Firstly. One hundred and fifty bonds of one hundred pounds each, amounting together to fifteen thousand pounds, secured by an indenture of mortgage bearing date the twelfth day of June, one thousand eight hundred and fifty-six, and made between and duly executed by the said Company (under its then name and style "The Port Dalhousie and Thorold Railway Company") of the first part, and William Proudfoot, John Powell and Thomas Lees Helliwell of the second part, whereby the payment at the expiration of ten years from the first day of July, one thousand eight hundred and fifty-six, of the principal of the said bonds with interest at the rate of six per cent. per annum in the meantime was charged on the line of Railway and all lands of the said Company lying within the Township of Grantham, and in the Town (now City) of St. Catharines and Village of Port Dalhousie, extending from Port Dalhousie to the junction of the Great Western Railway at Welland City, (now known as the Village of Merritton), ogether with all branches or sidings of the said Railway, made or to be made between the said Village of Port Dalhousie and the said Welland City, and the line thereof including the right of way and the land occupied thereby, and laid out and set apart there-

for, together with all franchises, rights and privileges of the said Company in and to the same and all income derivable or to be derived therefrom;

Secondly Eight hundred and fifty bonds of one hundred pounds each, amounting together to eighty-five thousand pounds, secured by an indenture of mortgage bearing date the first day of June, one thousand eight hundred and fifty-seven, and made between and duly executed by the same parties as the indenture before recited, whereby the payment at several periods, the last of which was the first day of July, one thousand eight hundred and seventy-seven, of the principal of the said last mentioned bonds with interest at the rate of six per cent. per annum in the meantime was charged on the line of Railway, and all the lands of the said Company lying within the Counties of Lincoln and Welland, extending from the point of intersection of the extension of the said Railway, with the lower section thereof near the said Town of St. Catharines to Port Colborne, on Lake Erie, in the County of Welland, together with all branches or sidings of the said Railway, made or to be made between the said point of intersection at Port Colborne, and the line thereof, including the right of way and the land occupied thereby and laid out and set apart therefor, together with the superstructure, tracks and erections thereon, and set apart therefor, and all the franchises, rights and privileges of the said Company, in or appertaining thereto, and all income derivable or to be derived therefrom, which said bonds so secured by the two said indentures of mortgage hereinbefore recited are hereinafter referred to and called "the first mortgage six per cent. debenture bonds," and the owners thereof "the first bond-holders;"

Thirdly. Fifty bonds of five hundred pounds each and two hundred and fifty bonds of one hundred pounds each, amounting together to fifty thousand pounds, and secured by an indenture of mortgage bearing date the ninth day of August, one thousand eight hundred and fifty-nine, and made between and duly executed by the same parties as the two indentures aforesaid, whereby the payment on the first day of July, one thousand eight hundred and seventy-nine, of the principal of the said fifty bonds of five hundred pounds each and two hundred and fifty bonds of one hundred pounds each, with interest thereon at the rate of six per cent. per annum, in the meantime, payable half-yearly, was charged by way of secured mortgage on the property, premises, franchises, rights, privileges and income of the said Company mentioned and comprised in the two indentures of mortgage of the twelfth day of June, one thousand eight hundred and fifty-six, and first day of June, one thousand eight hundred and fifty-seven hereinbefore recited: and the bonds so secured by the said indenture of the ninth day of August, one thousand eight hundred and fifty-nine, above recited, are hereinafter referred to and called "the second mortgage six per cent debenture bonds," and the owners thereof "the second bond-holders;"

And whereas, under and by virtue of the powers contained in an Act of the said Legislature passed in the session held in the twenty-seventh and twenty-eighth years of the reign

of Her Majesty and intituled: "*An Act to amend the Acts relating to the Welland Railway*" (otherwise known as the "*Welland Railway Act*, 1864"), the said Company has issued eight per cent. preference bonds to the amount of fifty thousand pounds upon the terms (as provided by the said Act) that the said preference bonds should be a first charge on the railway and works of the said Company and on its undertaking, including the rolling stock, vessels, elevators and all other property of the said Company;

And whereas the principal moneys secured by the said preference bonds became payable on the first day of November, one thousand eight hundred and seventy-four, but the same were not paid, and in lieu thereof, and in pursuance of the powers contained in the said "*Welland Railway Act*, 1864," six per cent preference bonds have been issued payable at the expiration of twenty years, from the first day of November, one thousand eight hundred and seventy-four;

And whereas, the said Company has by its petition represented that it will be greatly to the advantage of the first bond-holders and second bond-holders and the said Company, and the shareholders thereof, that the said first mortgage six per cent. debenture bonds and second mortgage six per cent. debenture bonds should (subject to and without disturbing the priority created by the said indentures of mortgage hereinbefore recited, and by the said "*Welland Railway Act*, 1864,") be converted into five per cent. debenture stock of the said Company upon the terms in this Act hereinafter provided;

And whereas at a special general meeting of the bondholders and shareholders of the said Company held on the twenty-seventh day of November, one thousand eight hundred and seventy-eight, in pursuance of a notice duly published, specifying the object of such meeting, a majority consisting of more than two-thirds in number and amount of the first bondholders and second bondholders of the said Company present at the said meeting in person or represented by proxy, signified their consent to the conversion of the said bonds on the terms by this Act provided;

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:—

First mortgage debentures may be converted into 5 per cent. stock.

1. It shall be lawful for the Welland Railway Company, and the said Company is hereby authorized and empowered to cancel forthwith the first mortgage six per cent. debenture bonds of the said Company, and to issue in lieu thereof debenture stock of the said Company to be called "first five per cent. debenture stock" to an amount equal to the principal money secured by the said first mortgage six per cent. debenture bonds, and bearing interest as hereinafter provided.

Second mortgage debentures may be converted into 5 per cent. stock.

2. It shall further be lawful for the said Company, and the said Company is hereby authorized and empowered to cancel the second mortgage six per cent debenture bonds of the said Company, and to issue in lieu thereof debenture

stock of the said Company to be called "second five per cent. debenture stock" to an amount equal to the principal money secured by the said second mortgage six per cent. debenture bonds, and bearing interest as hereinafter provided.

Issue of debenturestock.

3. The said first and second five per cent. debenture stock shall be issued by certificates of the amount of one hundred pounds sterling each, in such form as the Directors of the said Company shall determine, and all regulations or provisions for the time being applicable to the certificates of shares in the capital of the said Company shall apply, *mutatis mutandis*, to the certificates of the said debenture stock; and

Exchange of debentures therefor.

the first bond-holders and second bond-holders of the said Company shall be entitled to receive in such certificates an amount of the said "first five per cent. debenture stock" and "second five per cent. debenture stock" respectively, equal to the principal money secured by the said mortgage bonds held by them, on application at either of the head offices of the said Company in England or Canada, and on delivering up to the said Company the said mortgage bonds held by them, and the coupons thereto attached, within two years after the passing of this Act.

Security transferred to first debenture stock.

4. Upon the said first five per cent. debenture stock being issued by the said Company, the mortgages made by the said Company, dated respectively the twelfth day of June, one thousand eight hundred and fifty-six, and first day of June, one thousand eight hundred and fifty-seven, to secure the payment of the said first mortgage six per cent. debenture bonds, shall continue and be a valid charge on the property franchises, rights and privileges of the said Company therein described and comprised, to secure the payment of the interest from time to time accruing on the said five per cent. debenture stock.

And to second debenture stock.

5. Upon the said second five per cent. debenture stock being issued by the said Company, the mortgage made by the said Company and dated eighth August, one thousand eight hundred add fifty-nine, to secure payment of the said second mortgage six per cent. debenture bonds shall continue and be a valid charge on the property, franchises, rights and privileges of the said Company therein comprised, to secure the payment of the interest from time to time accruing on the said second five per cent. debenture stock.

Ranking of stock on the the undertaking.

6. The said first five per cent. debenture stock, with the interest thereon, shall become and be a first charge upon the undertaking of the said Company (subject only to the said preference bonds and the interest thereon), and the said second five per cent. debenture stock with the interest thereon, shall become and be (subject to the said preference bonds) a second charge on the said undertaking and a first charge on all the rolling stock of the said Company, and any and every replacement or removal thereof or any addition thereto prior to all shares or stock of the Company whether ordinary, preference or guaranteed,

and all dividends or interest thereon, and over any mortgage lien, bond or obligation hereafter made or incurred by the said Company; and the said debenture stock shall be transmissible and transferable in the same manner, and according to the same regulations and provisions as other stock of the said Company, and shall in all other respects have the incidents of personal estate.

Transfer of stock.

7. The surplus income or profits of the said Company in any and every year after paying the interest and arrears of interest from time to time accruing on the said preference bonds, shall be applied first in or towards payment of interest for the same year, on the said first five per cent. debenture stock, at the rate of five per cent. per annum, and then in or towards payment of interest for such year, at the rate aforesaid, on the said second five per cent. debenture stock; but the holders of the said first and second debenture stock shall not be entitled to receive any interest on their said stock for any year out of the profits of any subsequent year, nor shall such interest accumulate as arrears of interest.

Application of profits.

8. The said first and second mortgage six per cent. debenture bonds of the said Company, and the interest accrued or which may hereafter accrue thereon, shall immediately upon the issue of the said debenture stock in lieu thereof be cancelled and become null and void, and the said Company shall be under no obligation or liability to pay the same or any part thereof.

On issue of stock, debentures to be void.

9. Upon the certificates of the said stock to be issued in pursuance of this Act to the amount equal to the principal money secured by the said first and second mortgage six per cent. debenture bonds being duly executed by the said Company, the said first and second five per cent. debenture stock shall be deemed to have been issued.

When stock shall be deemed to be issued.

10. The said debenture stock shall not entitle the holders thereof to be present or vote at any meeting of the Company, or confer any qualifications, save and except that the holders thereof who shall not in any year have received interest on such stock held by them to the full extent of five per cent. per annum, shall during the year immediately succeeding possess and be entitled to rights of voting, at the rate of one vote for every one hundred pounds sterling of such stock held by them, on all matters and at all meetings of the said Company to as full an extent as, and *pari passu* with, the shareholders of the said Company, but the said debenture stock shall in all respects, not otherwise by or under this Act provided for, be considered as entitling the holders thereof to the rights and powers of mortgagees of the undertaking in the order of priority in this Act declared, other than the right to require the repayment of the principal money paid up in respect of the said stock.

As to right of holders of stock to vote.

No. 12.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to authorize the Welland Railway Company to convert their Six per cent. Debenture Bonds into Five per cent. Debenture Stock, and for other purposes.

Received and read, first time, Friday, 28th February, 1879.

Second reading, Monday, 3rd March, 1879.

(PRIVATE BILL.

Mr. DREW,

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

Priority of preference bonds saved.

11. Nothing in this Act contained shall in anywise prejudice or affect the validity or priority of the preference bonds of the said Company issued under the powers contained in the "*Welland Railway Act*, 1864."

Short title.

12. This Act may for all purposes be cited as "*The Welland Railway Act*, 1879."

No. 12] **BILL.** [1879.

An Act to authorize the Welland Railway Company to convert their Six per cent. Mortgage Bonds into Five per cent. Debenture Stock, and for other purposes.

(Reprinted as proposed to be amended before the Standing Committee on Railways, Canals and Telegraph Lines.)

WHEREAS the Welland Railway Company was incorporated by an Act of the Legislature of the late Province of Canada, passed in the sixteenth year of Her Majesty's reign intituled: "*An Act to incorporate the Port Dalhousie and Thorold Railway Company*," for the purposes in the said Act mentioned; and by an Act of the said Legislature passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, intituled: "*An Act to extend the line of the Port Dalhousie and Thorold Railway Company*," the powers of the said Company were extended and enlarged; and by an Act of the said Legislature passed in the twentieth year of Her Majesty's reign, and intituled "*An Act to increase the capital stock of the Port Dalhousie and Thorold Railway Company and to change the name of the Company*," the name of the said Company was changed to "The Welland Railway Company"; Preamble.

And whereas, under and by virtue of the powers contained in the Act first mentioned, and the clauses of "The Railway Clauses Consolidation Act" therein incorporated, the said Company has created and issued the following mortgage bonds:

Firstly. One hundred and fifty bonds of one hundred pounds each, amounting together to fifteen thousand pounds, secured by an indenture of mortgage bearing date the twelfth day of June, one thousand eight hundred and fifty-six, and made between and duly executed by the said Company (under its then name and style "The Port Dalhousie and Thorold Railway Company") of the first part, and William Proudfoot, John Powell and Thomas Lees Helliwell of the second part, whereby the payment at the expiration of ten years from the first day of July, one thousand eight hundred and fifty-six, of the principal of the said bonds with interest at the rate of six per cent. per annum in the meantime was charged on the line of Railway and all lands of the said Company lying within the Township of Grantham, and in the Town (now City) of St. Catharines and Village of Port Dalhousie, extending from Port Dalhousie to the junction of the Great Western Railway at Welland City, (now known as the Village of Merritton), together with all branches or sidings of the said Railway, made or to be made between

the said Village of Port Dalhousie and the said Village of Merritton, and the line thereof including the right of way and the land occupied thereby, and laid out and set apart therefor, together with the superstructure, tracks and erections thereon and set apart therefor, and all franchises, rights and privileges of the said Company in and to the same and all income derivable or to be derived therefrom;

Secondly Eight hundred and fifty bonds of one hundred pounds each, amounting together to eighty-five thousand pounds, secured by an indenture of mortgage bearing date the first day of June, one thousand eight hundred and fifty-seven, and made between and duly executed by the same parties as the indenture before recited, whereby the payment at several periods, the last of which was the first day of July, one thousand eight hundred and seventy-seven, of the principal of the said last mentioned bonds with interest at the rate of six per cent. per annum in the meantime was charged on the line of Railway, and all the lands of the said Company lying within the Counties of Lincoln and Welland, extending from the point of intersection of the extension of the said Railway, with the lower section thereof near the said City of St. Catharines to Port Colborne, on Lake Erie, in the County of Welland, together with all branches or sidings of the said Railway, made or to be made between the said point of intersection at Port Colborne, and the line thereof, including the right of way and the land occupied thereby and laid out and set apart therefor, together with the superstructure, tracks and erections thereon, and set apart therefor, and all the franchises, rights and privileges of the said Company, in or appertaining thereto, and all income derivable or to be derived therefrom, which said bonds so secured by the two said indentures of mortgage hereinbefore recited are hereinafter referred to and called "the first mortgage bonds," and the owners thereof "the first bond-holders;"

Thirdly. Fifty bonds of five hundred pounds each and two hundred and fifty bonds of one hundred pounds each, amounting together to fifty thousand pounds, and secured by an indenture of mortgage bearing date the ninth day of August, one thousand eight hundred and fifty-nine, and made between and duly executed by the same parties as the two indentures aforesaid, whereby the payment on the first day of July, one thousand eight hundred and seventy-nine, of the principal of the said fifty bonds of five hundred pounds each and two hundred and fifty bonds of one hundred pounds each, with interest thereon at the rate of six per cent. per annum, in the meantime, payable half-yearly, was charged by way of second mortgage on the property, premises, franchises, rights, privileges and income of the said Company mentioned and comprised in the two indentures of mortgage of the twelfth day of June, one thousand eight hundred and fifty-six, and first day of June, one thousand eight hundred and fifty-seven hereinbefore recited: and the bonds so secured by the said indenture of the ninth day of August, one thousand eight hundred and fifty-nine, above recited, are hereinafter referred to and called "the second mortgage bonds," and the owners thereof "the second bond-holders;"

And whereas the payment of the principal and interest, secured by the said second mortgage bonds, was collaterally secured by a bill of sale or assignment of the rolling stock of the said Company then purchased or thereafter to be purchased with the proceeds of such bonds ;

And whereas, under and by virtue of the powers contained in an Act of the said Legislature passed in the session held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty and intituled : "*An Act to amend the Acts relating to the Welland Railway*" (otherwise known as the "*Welland Railway Act*, 1864"), the said Company has issued eight per cent. preference bonds to the amount of fifty thousand pounds upon the terms (as provided by the said Act) that the said preference bonds should be a first charge on the railway and works of the said Company and on its undertaking, including the rolling stock, vessels, elevators and all other property of the said Company ;

And whereas the principal moneys secured by the said preference bonds became payable on the first day of November, one thousand eight hundred and seventy-four, but the same were not paid, and in lieu thereof, and in pursuance of the powers contained in the said "*Welland Railway Act*, 1864," six per cent preference bonds have been issued payable at the expiration of twenty years, from the first day of November, one thousand eight hundred and seventy-four ;

And whereas, the said Company has by its petition represented that it will be greatly to the advantage of the first bond-holders and second bond-holders and the said Company, and the shareholders thereof, that the said first mortgage bonds and second mortgage bonds should (subject to and without disturbing the priority created by the said indentures of mortgage hereinbefore recited, and by the said "*Welland Railway Act*, 1864,") be converted into five per cent. debenture stock of the said Company upon the terms in this Act hereinafter provided ;

And whereas at a special general meeting of the bondholders and shareholders of the said Company held on the twenty-seventh day of November, one thousand eight hundred and seventy-eight, in pursuance of a notice duly published, specifying the object of such meeting, a majority consisting of more than two-thirds in number and amount of the first bondholders and second bondholders of the said Company present at the said meeting in person or represented by proxy, signified their consent to the conversion of the said bonds on the terms by this Act provided ;

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 :—

First mortgage bonds may be converted into 5 per cent. stock.

1. It shall be lawful for the Welland Railway Company, and the said Company is hereby authorized and empowered to cancel forthwith the first mortgage bonds of the said Company, and to issue in lieu thereof debenture stock of the said Company to be called "first five per cent. debenture stock" to an amount equal to the principal money secured by the

said first mortgage bonds, and bearing interest as hereinafter provided.

Second mortgage bonds may be converted into 5 per cent. stock.

2. It shall further be lawful for the said Company, and the said Company is hereby authorized and empowered to cancel the second mortgage bonds of the said Company, and to issue in lieu thereof debenture stock of the said Company to be called "second five per cent. debenture stock" to an amount equal to the principal money secured by the said second mortgage bonds, and bearing interest as hereinafter provided.

Issue of debenturestock.

3. The said first and second five per cent. debenture stock shall be issued by certificates of the amount of one hundred pounds sterling each, in such form as the Board of Directors of the said Company shall determine, and all regulations or provisions for the time being applicable to the certificates of shares in the capital of the said Company shall apply, *mutatis mutandis*, to the certificates of the said debenture stock; and the first bond-holders and second bond-holders of the said Company shall respectively be entitled to receive in such certificates an amount of the said "first five per cent. debenture stock" and "second five per cent. debenture stock" respectively, equal to the principal money secured by the said mortgage bonds held by them, on application at either of the head offices of the said Company in England or Canada, and on delivering up to the said Company the said mortgage bonds held by them, and the coupons thereto attached, within two years after the passing of this Act.

Exchange of bonds therefor.

Security transferred to first debenture stock.

4. Upon the said first five per cent. debenture stock being issued by the said Company, the mortgages made by the said Company, dated respectively the twelfth day of June, one thousand eight hundred and fifty-six, and first day of June, one thousand eight hundred and fifty-seven, to secure the payment of the said first mortgage bonds, shall, subject to the provisions of this Act, continue and be a valid charge on the property, franchises, rights and privileges of the said Company therein described and comprised, to secure the payment of the interest from time to time accruing on the said first five per cent. debenture stock.

And to second debenture stock.

5. Upon the said second five per cent. debenture stock being issued by the said Company, the mortgage made by the said Company and dated eighth August, one thousand eight hundred add fifty-nine, to secure payment of the said second mortgage bonds shall, subject to the provisions of this Act, continue and be a valid charge on the property, franchises, rights and privileges of the said Company therein comprised, to secure the payment of the interest from time to time accruing on the said second five per cent. debenture stock.

Ranking of stock on the undertaking.

6. The said first five per cent. debenture stock, with the interest thereon, shall become and be a first charge upon the undertaking of the said Company (subject only to the said preference bonds and the interest thereon), and the said

second five per cent. debenture stock with the interest thereon, shall become and be (subject to the said preference bonds and the interest thereon) a second charge on the said undertaking and a first charge on all the rolling stock of the said Company, and any and every replacement or renewal thereof or any addition thereto prior to all shares or stock of the Company whether ordinary, preference or guaranteed, and all dividends or interest thereon, and over any mortgage lien, bond or obligation hereafter made or incurred by the said Company; and the said debenture stock shall, subject as aforesaid, be transmissible and transferable in the same manner, and according to the same regulations and provisions as other stock of the said Company, and shall in all other respects have the incidents of personal estate.

Transfer of stock.

7. The surplus income or profits of the said Company in any and every year after paying the interest and arrears of interest from time to time accruing on the said preference bonds, shall be applied first in or towards payment of interest for the same year, on the said first five per cent. debenture stock, at the rate of five per cent. per annum, and then in or towards payment of interest for such year, at the rate aforesaid, on the said second five per cent. debenture stock; but the holders of the said first and second debenture stock shall not be entitled to receive any interest on their said stock for any year out of the profits of any subsequent year, nor shall such interest accumulate as arrears of interest.

Application of profits.

8. The said first and second mortgage bonds of the said Company, and the interest accrued or which may hereafter accrue thereon, shall immediately upon the issue of the said debenture stock in lieu thereof be cancelled and become null and void, and the said Company shall be under no obligation or liability to pay the same or any part thereof.

On issue of stock, bonds to be void.

9. Upon the certificates of the said stock to be issued in pursuance of this Act to the amount equal to the principal money secured by the said first and second mortgage bonds being duly executed by the said Company, the said first and second five per cent. debenture stock shall be deemed to have been issued.

When stock shall be deemed to be issued.

10. The said debenture stock shall not entitle the holders thereof to be present or vote at any meeting of the Company, or confer any qualifications, save and except that the holders thereof who shall not in any year have received interest on such stock held by them respectively to the full extent of five per cent. per annum, shall during the year immediately succeeding possess and be entitled to rights of voting, at the rate of one vote for every one hundred pounds sterling of such stock held by them, on all matters and at all meetings of the said Company to as full an extent as, and *pari passu* with, the shareholders of the said Company, but the said debenture stock shall in all respects, not otherwise by or under this Act provided for, be considered as entitling the holders thereof to the rights and powers of mortgagees of the

As to right of holders of stock to vote.

undertaking in the order of priority in this Act declared, other than the right to require the repayment of the principal money paid up in respect of the said stock.

Priority of preference bonds saved.

11. Nothing in this Act contained shall in anywise prejudice or affect the validity or priority of the preference bonds of the said Company issued under the powers contained in the "*Welland Railway Act*, 1864."

Short title.

12. This Act may for all purposes be cited as "*The Welland Railway Act*, 1879."

No. 12.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to authorize the Welland Railway Company to convert their Six per cent. Mortgage Bonds into Five per cent. Debenture Stock, and for other purposes.

Reprinted as proposed to be amended before the Standing Committee on Railways, Canals and Telegraph Lines.

(PRIVATE BILL.)

Mr. DREW.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 13.] **BILL.** [1879.

An Act to amend and consolidate as amended the several enactments respecting the North-West Mounted Police Force.

The portions inclosed in brackets thus [ ] will be moved in Committee of the Whole on the Bill, and are printed in the Bill merely for the information of Members. The letter (a) *after the figures indicating the Acts and sections, &c., on which those of this Act are founded, means that such section, &c., is amended more or less by this Act.*

Preamble.

WHEREAS it is expedient to amend, and consolidate as amended, the several Acts and parts of Acts relating to the North-West Mounted Police Force: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Acts and parts of Acts repealed.

1. So much of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-five as relates to the Mounted Police Force and now remains unrepealed, and the Act passed in the thirty-seventh year of Her Majesty's reign, chapter twenty-two, amending the Act first cited, and the Act passed in the thirty-eighth year of Her Majesty's reign, chapter fifty, amending both the said Acts, and so much of the Act passed in the thirty-ninth year of Her Majesty's reign, chapter 21, as relates to the employment and powers of the Mounted Police Force in the District of Keewatin, is and are hereby repealed; Provided always, that all appointments made and all things lawfully done under the enactments hereby repealed shall remain valid, unless and until it shall be otherwise ordered under this Act, and all proceedings commenced under the same may be continued under this Act, which shall not be construed as a new law, but as a consolidation and continuation of the said repealed enactments, with and subject to the amendments hereby made.

Proviso: saving appointments, &c., under such enactments.

Interpretation clause.

2. The expression "Member of the Force," or "Member," when used in this Act, shall be construed as including the Commissioner and all other officers, non-commissioned officers and men of the Police Force hereinafter mentioned.

Police Force and officers.

3. The Governor in Council may constitute a Police Force in and for the North-West Territories, to be known as "*The North-West Mounted Police*," and the Governor may, from time to time, as may be found necessary, appoint by commission a Commissioner of Police, an Assistant Commissioner of Police, and one or more staff and other Superintendents and Inspectors, Surgeons, Assistant Surgeons, and

Veterinary Surgeons, of the Police, each of whom shall hold office during pleasure. 37 V. c. 22, s. 10*a*.

Commissioner.

4. 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. 36 V. c. 35, s. 11.

Constables and non-commissioned officers.

5. The Governor in Council may, from time to time, authorize the Commissioner of Police to appoint, by warrant under his hand, such number of constables as he may think proper, not exceeding in the whole three hundred men, and to appoint from among them non-commissioned officers of different grades, and the Commissioner may delegate this authority to any commissioned officer of the force; and such number thereof shall be mounted as the Governor in Council may, at any time, direct 37 V. c. 22, s. 12*a*.

Supernumerary Constables and Scouts.

[Provided that the Commissioner may appoint supernumerary constables not exceeding in the whole ten men, in order to fill vacancies in the force, and may employ not exceeding in the whole ten men as scouts, at such rates of pay as may be authorized by the Minister charged with the control and management of the Force.]

Increase of force in case of emergency.

[Provided further, that the Governor in Council may, in case of emergency or impending trouble, increase the force to a number not exceeding in the whole five hundred men.]

Qualification of members of the force.

6. No officer or constable 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. 36 V. c. 35 s. 13, *a*.

Oaths of allegiance and of office.

7. No person shall exercise any office in the said force until he shall have taken the oath of allegiance in the following form:—

Of allegiance.

"I A. B. do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Dominion of Canada, dependent on and belonging to the said Kingdom; and that I will defend Her to the utmost of my power against all traitorous conspiracies or attempts whatever, which shall be made against Her Person, Crown and Dignity, and that I will do my utmost endeavor to disclose and make known to Her Majesty, Her Heirs and Successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Her, or any of them; and all this I do swear without any equivocation mental evasion or secret reservation. So help me God."

And the following oath of office:—

Of office.

"I. A. B., solemnly swear that I will faithfully, diligently and impartially execute and perform the duties required of

me as a member of the North-West Mounted Police Force, and will well and truly obey and perform all lawful orders and instructions which I shall receive as such, without fear, favor or affection of or towards any person or party whomsoever. So help me God."

By whom to be administered and kept.

And such oaths may be taken by the Commissioner before any Judge, Stipendiary Magistrate, or Justice of the Peace having jurisdiction in the North-West Territories, and by any other member of the 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. 37 V. c. 22, s, 14, *a*.

Powers of officers and constables of the force.

8. The Commissioner and the Assistant Commissioner shall respectively have all the powers of a Stipendiary Magistrate under this or any other Act in force in the North-West Territories. The Superintendents, and such other officers as the Governor in Council may approve, shall be *ex-officio* Justices of the Peace; and every constable of the force shall be a constable in and for the whole of the North-West Territories for carrying out any laws or ordinances in force therein, and also in every Province in the Dominion for the purpose of carrying out the criminal and other laws of the Dominion. 37 V. c. 22. s. 15 *a*.

Conditions and articles of engagement.

How enforced.

9. Every constable shall, upon appointment to the said force, sign articles of engagement for a term of service not exceeding five years, unless he be previously dismissed or discharged therefrom by the Commissioner. The engagement shall be contracted to the Commissioner, and may be enforced by the Commissioner for the time being. 37 V., c. 22, s. 16*a*.

Free grants of land for good service.

10. The Governor in Council may, from and out of any 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 member of the said force, who, at the expiration of five years of continuous service in the said force, shall be certified by the Commissioner to have conducted himself satisfactorily, and to have efficiently and ably performed the duties of his office during the said term of five years. 36 V., c. 35, s. 17.

Head-quarters of the force.

11. 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. 36 V., c. 35, s. 18 *a*.

Duties of the force.

12. It shall be the duty of the force, subject to the orders of the Commissioner,—

Prevention of crime.

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 Terri-

tories, and the criminal and other laws of the Dominion, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody.

Attending judges, &c.

2. To attend upon any Judge, Stipendiary Magistrate, and Justice of the Peace when specially required, and 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, or the criminal or other laws of the Dominion, lawfully be performed by constables.

Conveying prisoners.

3. To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and lunatics, to or from any courts, places of punishment or confinement, asylums or other places.

Making searches for intoxicating liquors.

4. Upon information, or upon reasonable grounds of suspicion, and without the necessity of any intervention or process of law, to enter any shop, store, hut, tent, wigwam, dwelling or building, or place or enclosure (but no constable shall so enter any hut, tent, wigwam, or dwelling, unless accompanied by or under orders of a commissioned officer); and also to enter, and for such purpose to stop and detain while travelling, any vessel, canoe, carriage, wagon, cart, sleigh, or other vehicle or means of conveyance of any description, and to dig in, rummage, and search all parts thereof, and any kegs, barrels, cases, boxes, or packages, or receptacles of any kind for spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind; and any such kegs, barrels, cases, boxes, or packages or other receptacles of any kind whatever found containing the same,—to break up and utterly destroy, and all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink, to pour out, spill, waste and utterly to destroy forthwith.

And destroying the same.

Powers for such purposes

5. And for these purposes and the performance of all the duties assigned to them by or under the authority of this Act, they shall in addition to the powers and duties conferred or imposed by this Act, have all the powers, authority, protection and priveleges which any constable has or shall hereafter by law have. 37 V. c. 22 s. 19.

Governor in Council may make regulations and for what purpose.

13. The Governor in Council may establish the precedence and rank of the several Commissioned Officers, and from time to time make rules and regulations for any of the following purposes, viz:—To regulate and prescribe the clothing, arms, training and discipline of the Force; to regulate and prescribe the duties and authorities of the Commissioner and the other members 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 all and every such matters and things for the good government, discipline and guidance of the force as are not inconsistent with this Act. 37 V. c. 22, s. 20*a*.

14. Any member of the force convicted of,——

Certain offences by members of the force.

Disobeying the lawful command of, or striking his Superior, ——or

Oppressive or tyrannical conduct towards his Inferior, ——or

Intoxication, however slight,——or

Having illegally intoxicating liquor illegally in his possession or concealed,——or

Directly or indirectly receiving any gratuity without the Commissioner's sanction, or any bribe,——or

Wearing any party emblem,——or

Otherwise manifesting political partizanship,——or

Overholding any complaint,——or

Mutinous or insubordinate conduct,——or

Unduly overholding any allowances or any other public money entrusted to him,——or

Misapplying any money or goods levied under any warrant or taken from any prisoner,——or

Divulging any matter or thing which it may be his duty to keep secret,——or

Making any anonymous complaint to the Government or the Commissioner,——or

Communicating without the Commissioner's authority, either directly or indirectly, to the public press, any matter or thing touching the force,——or

Wilfully or through negligence or connivance allowing any prisoner to escape,——or

Using any cruel, harsh or unnecessary violence towards any prisoner or other person,——or

Leaving any post on which he has been placed as sentry or on other duty,——or

Deserting or absenting himself from his duties or quarters without leave,——or

Scandalous or infamous behavior,——or

Disgraceful, profane or grossly immoral conduct,——or

Violating any standing order, rule or regulation, or any order, rule or regulation hereafter to be made,——or

Any disorder or neglect to the prejudice of morality or discipline, though not specified in this Act or in any lawful rules or regulations,——

To be breaches of discipline.

Shall be held to have committed a breach of discipline, ——and

Trial and punishment for the same.

The Commissioner, Assistant Commissioner or the Superintendent commanding at any post, or such other officer as may be thereunto empowered by the Commissioner, may, forthwith, on a charge in writing of any one or more of the foregoing offences being preferred against any member of the force other than a commissioned officer, cause the party so charged to be brought before him, and he shall then and there, in a summary way, investigate the said charge or charges, and on oath if he thinks fit, and if proved to his satisfaction shall thereof convict the offender, who shall suffer such punishment, either by fine not exceeding one month's pay, or imprisonment for a term not exceeding six months in any gaol at hard labor, or both, as the convicting officer shall in his discretion order, in addition to and besides any punishment to which the offender may be

liable under any law in force in the North-West Territories, or in any Province in which the offence may be committed, in respect of such offence. 38 V., c. 50., s. 22 *a*.

Application of pecuniary penalties.

15. All pecuniary penalties so imposed shall form a fund to be managed by the Commissioner with the approval of the Minister charged with the control and management of the Force, and be applicable to the payment of rewards for good conduct or meritorious services, to the establishment of libraries and recreation rooms, and such other objects as the Minister may approve for the benefit of the members of the Force. 36 V. c. 35, s. 21*a*.

Enforcing delivery of arms, &c., by members of the force dismissed or suspended.

16. Any commissioned officer or other member of the force when discharged or dismissed shall forthwith deliver up to the Commissioner or to a commissioned officer 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; and in case of his refusing or neglecting so to do, shall incur a penalty of *fifty dollars*, in addition to the value of the articles not delivered up, and the penalty and value aforesaid shall be recoverable with costs of prosecution by summary conviction before any stipendiary magistrate, or justice of the peace having jurisdiction in the North-West Territories, who, in case of non-payment of the penalty and value aforesaid and costs immediately after conviction, may in his discretion levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and value aforesaid and costs, to any common gaol or house of correction or lock-up house within the North-West Territories, for a period not exceeding six months, unless the said penalty and costs be sooner paid. 37 V. c. 22, s. 23.

Inquiries respecting conduct of members of the force.

17. Whenever the Commissioner shall deem it advisable to make or cause to be made any special enquiry into the conduct of any commissioned officer, or other member of the Force, or into any complaint against any of them, he or the commissioned officer or officers whom he may appoint for that purpose, may examine any person on oath or affirmation, and shall have power to, and may compel the attendance of any necessary witnesses, in the same way as if the proceedings were before justices, under the "*Act respecting the duties of Justices of the Peace, out of sessions, in relation to persons charged with indictable offences.*" 37 V. c. 22 s. 24.

Punishment for unlawfully buying or selling arms, &c., or refusing to deliver them up.

18. If any person unlawfully disposes of, receives, buys, or sells, or has in his possession without lawful cause, or refuses 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 of double the value thereof, and be subject to a further fine not exceeding *twenty-five dollars*, and in default of payment forthwith, to imprisonment for any period not exceeding three months. 38 V., c. 50, s. 25.

19. If any constable, during his engagement in the said force, having deserted, absented himself from his duties without leave, or refused to do duty therein, be found in any part of Canada other than the North-West Territories, and on being served with a notice signed by any commissioned officer of the force, requiring him to return to his duty, or being orally so required by such officer, neglects or refuses to return to his duty, such offender shall, on conviction thereof, be liable to forfeit and pay for every such offence any sum not exceeding *one hundred dollars*, or to be imprisoned and kept to hard labor for any term not exceeding twelve months, or both ; and upon the trial of any offender under this section it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the force signed by such offender, but such engagement maybe proved by parol evidence, or by a certificate purporting to be signed by the Commissioner, Assistant Commissioner, or any Superintendent or Isnpector of the force, giving the date and period of such engagement ; and it shall not be necessary *primâ facie* to prove the signature to such certificate, which shall be held to be genuine. unless it be expressly alleged by the offender not.to be so. 38 V., c. 50, s. 25.

Or for deserting or refusing to do duty.

20. Offenders under two next preceding sections may be prosecuted before the Commissioner, or a Stipendiary Magistrate,or any Justice of the Peace in any part of Canada,and the several provisions of the laws in force respecting the duties of Justices of the Peace, out of session, in relation to summary convictions and orders, shall apply to such prosecutions. 38 V., c 50, s. 25.

Prosecution to be under 32, 33 V. c. 31.

21. Any constable refusing to obey an order distinctly given by, or resisting the authority of a superior Officer of the Force, may be forthwith placed under arrest and detained in custody to be dealt with under the provisions of this Act. 38 V., c. 50, s. 3.

Arrest of constable resisting authority of officer.

[**22**. It shall be lawful for the Governor in Council, from time to time, to fix the sums to be paid to the Commissioner and other members of the force, regard being had to the number of constables, from time to time, actually organized and enrolled, and the consequent responsibility attaching to their offices aforesaid respectively, and to the nature of the duty or service and amount of labour devolved upon them, but such sums shall not exceed the amounts following, that is to say—

Governor in Council to rates of pay within certain limits. (*To be proposed in committee.*)

	Per annum.
Commissioner of Police	$2,600
Assistant Commissioner	1,600
Each Superintendent	1,400
Each Inspector	1,000
Each Surgeon or Assistant Surgeon	1,100
Each Veterinary Surgeon	700

Staff Constables, $ 1.50 per day.
Other Non-Commissioned Officers, $1 per day.
And Constables seventy-five cents per day.]
37 V. c, 22, s. 26*a*.

Surgeons and veterinary surgeons.

23. The Governor in Council may authorize arrangements to be made with any Surgeon or Veterinary Surgeon to perform the duties of Surgeon or Veterinary Surgeon for the said force as to any portions or detachments thereof, and may pay reasonable and proper remuneration for any services so rendered. 36 V. c. 35, s. 27*a*.

Purchase of horses, arms, &c.

24. The Governor in Council may also, from time to time, regulate and prescribe the amounts to be paid for the purchase of horses, vehicles, harness, sadlery, 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. 36 V. c. 35, s. 28.

Regulations for quartering the force, &c.

25. 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 forces, 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 or any religious order of females. 36 V, c. 35, s. 29.

Fines for breach thereof.

Proviso.

Payment of moneys.

26. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund of Canada. 36 V., c. 35, s. 30.

Accounts.

27. A separate account shall be kept of all moneys expended under this Act, and a detailed statement thereof shall be laid before Parliament at each Session thereof. 36 V., c. 35, s. 31.

Regulations, &c., to have force of law.

Publication.

28. 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 purporting to be printed by the Queen's Printer shall be *primâ facie* evidence thereof. 36 V., c. 35, s. 32.

What department shall have the management and control of the force.

29. The Department of the Interior 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. 36 V., c. 35, s. 33.

Arrangements with any Province for use of the force.

30. The Governor in Council may, from time to time, enter into arrangements with the Government of any Provinces of the Dominion for the use or employment of the said

Police Force, or any portion thereof, in aiding the administration of Justice in such Province, and in carrying into effect the laws of the Legislature thereof; and may in any such arrangement, agree upon and determine the amount of money which shall be paid by the Province using the same in respect of such services of the said force. 37 V., c. 22, s. 35.

Superannuation Acts to apply to the force.

31. The Acts thirty-third Victoria, chapter four; thirty-sixth Victoria, chapter thirty-two; and thirty-eighth Victoria, chapter nine, providing for the superanuation of officers employed in the public service of the Dominion, shall apply to all commissioned officers of the North-West Mounted Police.

Act to apply to the district of Keewatin.

32. This Act shall be in force in the District of Keewatin and apply to it; and the Lieutenant-Governor of the said District shall (but subject to any order in that behalf from the Governor-General) have the local disposition of the said Force in such numbers and to such extent as the Governor-General may direct, and may exercise such power in aid of the administration of civil and criminal justice, and for the general peace, order and good government of the said District, and for and in aid of the performance of all duties assigned by the laws in force in the said district to any constables or officers therein. 39 V., c. 21, s. 12.

No. 13.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend and consolidate as amended the several enactments respecting the North-West Mounted Police.

Received and read, first time, Friday, 28th February, 1879.

Second reading Monday, 3rd March, 1879.

Sir John A. MacDonald.

OTTAWA:

Printed by MacLean, Roger & Co.,

1879.

No. 14.] **BILL.** [1879.

An Act to reduce the Capital Stock of the Quebec Fire Assurance Company.

Preamble. 41 V. c. 31.

WHEREAS the capital of the Quebec Fire Assurance Company is one million of dollars divided into two thousand five hundred shares of four hundred dollars each, upon every share of which it has been shewn that the sum of one hundred and thirty dollars has been paid, making in the whole three hundred and twenty-five thousand dollars paid on the said capital: And whereas the Quebec Fire Assurance Company have, with the consent of the shareholders thereof, by their petition prayed that their capital stock may be reduced from a million of dollars to five hundred thousand dollars, to be divided into five thousand shares of one hundred dollars each, 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:—

Section 31 repealed.

1. The third section of the Act passed in the forty-first year of Her Majesty's reign, chapter thirty-one, intituled: "*An Act to amend and consolidate as amended the several Acts relating to the Quebec Fire Assurance Company,*" whereby their capital stock is fixed at one million of dollars, divided into two thousand five hundred shares of four hundred dollars each, shall be and is hereby repealed.

Capital stock and shares.

2. The capital stock of the said Company shall be and is hereby declared to 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 holders of shares in the capital stock of the Company, seized and possessed of the same at the time of the passing of this Act, in the proportion of two shares of the capital stock as hereby fixed and established for each share of the capital stock as fixed by the Act hereby amended, so held as aforesaid.

As to amount paid up.

3. The said sum of three hundred and twenty-five thousand dollars paid up as mentioned in the preamble shall be computed as part of the said reduced capital of five hundred thousand dollars, and as paid up capital to that amount, being sixty-five dollars on each share, and the residue thereof, that is to say, one hundred and seventy-five thousand dollars, amounting to thirty-five dollars per share on each of the shares hereby reduced to one hundred dollars shall be payable according to the provisions of the

Proviso: as to existing policies.

Act hereby amended, made in relation to the calls on the said capital: Provided always, that the liabilities of the said Company or the shareholders thereof for and in respect of any now existing policy of insurance or the renewal thereof or otherwise, shall in no way be affected by this Act; but with respect to such policies or renewals, such liabilities shall be the same as if the amount of each share were two hundred dollars.

No. 14.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to reduce the Capital Stock of the Quebec Fire Assurance Company.

Received and read, first time, Friday, 28th February, 1879.

Second reading, Monday, 3rd March, 1879.

(PRIVATE BILL.)

Hon. Mr. LANGEVIN,

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1879.

No. 15.] **BILL.** [1879.

An Act to repeal the Acts respecting Insolvency now in force in the Dominion.

Preamble.

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

Acts repealed, 38 V. c. 16. 39 V. c. 30. 40 V. c. 41.

1. "*The Insolvent Act of* 1875," and the Acts amending it passed in thirty-ninth and fortieth years of Her Majesty's Reign, and intituled respectively "*An Act to amend the Insolvent Act of* 1875," and "*An Act to amend the Act of* 1875, *and the Act amending the same*," shall be and are hereby repealed, and no Act repealed by the said Acts, or either of them, shall be thereby revived: Provided that all proceedings under the "*Insolvent Act of* 1875 *and Amending Acts*," in any case where an assignee has been appointed before the passing of this Act, may be continued and completed, and shall be of the same effect as if this Act had not been passed.

Proviso as to pending proceedings.

No. 15.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

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

Received and read, first time, Monday, 3rd March, 1879.

Second reading, Wednesday, 5th March, 1879.

Mr. BÉCHARD.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1879.

PROPOSED AMENDMENTS

To Bill No. 15, intituled: "An Act to repeal the Acts respecting Insolvency now in force in the Dominion."

WHEREAS it is expedient to repeal the Acts hereinafter mentioned and to make temporary provision in lieu thereof; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. A debtor shall be deemed insolvent:

a. If he has called a meeting of his creditors for the purpose of compounding with them; or if he has exhibited a statement shewing his inability to meet his creditors; or if he has delivered to any creditor a declaration in writing acknowledging his insolvency;

b. If he has absconded, or is immediately about to abscond, from any Province in Canada with intent to defraud any creditor, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process; or if, being out of any such Province of Canada, he so remains with a like intent; or if he conceals himself within the limits of Canada with a like intent;

c. Or if he 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 to delay their remedies against him or any of them;

d. Or if he 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;

e. Or with such intent he has procured 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 exceeding two hundred dollars, and if such process is in force and not discharged by payment or in any manner provided for by law;

f. Or if he has been actually imprisoned or upon the gaol limits for more than thirty days, in a civil action founded on contract for the sum of two hundred dollars or upwards, and still is so imprisoned or on the limits; or if, in case of such imprisonment, he has escaped out of prison, or from custody, or from the limits;

g. Or if he wilfully neglects or refuses to appear, on any rule or order requiring his appearance, to be examined as to his debts under any statute or law in that behalf;

h. Or if he wilfully refuses or neglects to obey or comply with any such rule or order made for payment of his debts or of any part of them ;

i. Or if he wilfully neglects or refuses to obey or comply with an order or decree of the Court of Chancery or of any of the judges thereof, for payment of money ;

j. Or if, 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, or without satisfying their claims ;

k. Or if he permits any execution issued against him, under which any of his chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within four days of the time fixed by the Sheriff or officer for the sale thereof, or for fifteen days after such seizure ; subject, however, to the privileged claim of the seizing creditor for the costs of such execution, and also to his claim for the costs of the judgment under which such execution has issued, which shall constitute a lien upon the effects seized, or shall not do so, according to the law as it existed previous to the passing of this Act, in the Province in which the execution shall issue ;

l. Or if, upon the issue of a writ of execution against him, the officer charged with such writ, having demanded payment and in default thereof required him to point out any effects susceptible of being seized thereunder, is unable to find any chattels, land or property which can be seized thereunder ; and such writ remains unsatisfied for fifteen days after such demand.

m. Or, if in the Province of Quebec, he has been sued ; by his wife, en séparation de biens, on the ground that he is unable to pay his debts in full, or that he is dissipating his estate and effects : and if such suit has been actually returned into Court and proceeded upon.

2. The property of the Insolvent shall be the common pledge of the creditors and the proceeds thereof shall be divided among them, due regard being had to the rank and privilege of every creditor, which rank and privilege, whatever may be the foundation thereof, shall not be disturbed by the provisions of this Act.

3. No lien or privilege upon either the personal or real estate of an insolvent shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of such insolvent ; nor shall any judgment create any mortgage, hypothec or lien on any real or personal property of the insolvent, unless registered at least sixty days before he became insolvent ; but any lien or privilege for costs which the plaintiff may possess under the law of the Province in in which such writ issues shall not be affected by this Act.

4. The insolvency of a partner in a co-partnership shall dissolve the partnership, and his creditors, or any of them on behalf of the creditors joining in or consenting thereto, shall be substituted in all his rights and remedies.

5. All notes signed, either by the insolvent or any other person, and any other advantage given to a creditor to obtain his consent to the discharge, or composition and discharge, of insolvent, shall be absolutely null and void, and such creditor shall forfeit in favor of any creditor, suing for the same, a sum equal to treble the value of such note or advantage.

6. One or more creditors may, for the benefit of all the creditors joining in or consenting thereto, impeach the acts of their debtors made in fraud and injury of their rights, by civil suit to that effect.

7. All gratutious or *quasi* gratutious contracts, including donations by marriage settlement, made by a debtor, afterwards becoming insolvent, within three months previous to his insolvency, and all such contracts made by insolvent debtors, shall be deemed fraudulent, and subject to be impeached.

8. All onerous contracts, or contracts for consideration, made by an insolvent debtor with a person aware of his insolvency, are fraudulent and deemed to be made with intent to defraud, and may likewise be impeached.

9. Onerous contracts or contracts for consideration made with intent to defraud on the part of the insolvent debtor only, and in good faith on the part of the person with whom he contracts, are also avoidable, if made after his insolvency became public and notorious, and may also be set aside, upon such terms and conditions, however, as to the protection of such person from actual loss, as the Court may order.

10. Every payment and every contract by way of payment, or security for the payment of any debt, or for the purpose of establishing compensation or set-off, made by an insolvent debtor to a creditor knowing his insolvency, or having probable cause for knowing the same, shall be held fraudulent and void, and the creditors so benefited may be compelled to restore the amount or thing received, or the value thereof, for the benefit of the creditors, by a suit in their own name.

11. Any person who for himself or for any company of which he forms part, or as the agent of any such person or company, purchases goods on credit, or procures the endorsement or acceptance of any negotiable paper without consideration, or induces any person to become security for him, knowing or believing himself, or such person or company, to be unable to meet his or its engagements, and concealing the fact from the person thereby becoming his creditor, with intent to defraud such person, or who by any false pretence

obtains a term of credit for the payment of any advance or loan of money, or of the price or any part of the price of any goods, wares or merchandise, with intent to defraud the person thereby becoming his creditor, or the creditor of such person or company, and who shall not afterwards have paid, or caused to be paid, the debt or debts so incurred, shall be held to be guilty of a fraud, and shall be liable to imprisonment for such time as the Court may order, not exceeding two years, unless the debts and costs be sooner paid.

12. Any insolvent under this Act may be examined by any creditor as to his estate and effects, and touching his affairs, before the Court or Judge upon an order obtained for that purpose from the said Court or Judge.

13. The word "Court," shall, in the Province of Quebec, mean the Superior Court of the district where the insolvent has his place of business; in the Province of Manitoba, the Court of Queen's Bench in the county where the insolvent has his place of business, and in the other Provinces, the County Courts having jurisdiction where the insolvent resides or has his chief place of business; and the word "Judge" shall mean a "Judge" of the said Courts respectively.

14. Rules and regulations may from time to time be made, revoked and altered in the manner hereinafter provided, for the execution of this Act, and of the objects thereof; and any rules so made shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

Any rules made in pursuance of this section shall be laid before Parliament 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; and any rules so made shall be judicially noticed.

15. In the Province of Quebec such general rules shall be made, and be promulgated in the same manner as the rules of practice and tariff of fees of the Superior Court.

16. In the Province of Ontario such general rules shall be made by the Judges of the Court of Appeal or a majority of them; in the Province of New Brunswick, the Judges of the Supreme Court of New Brunswick, or majority of them; in the Province of Nova Scotia, the Judges of the Supreme Court of Nova Scotia, or the majority of them; in the Province of British Columbia, the Judges of the Supreme Court, or the majority of them; in the Province of Prince Edward Island, the Judges of the Supreme Court, or the majority of them; and in the Province of Manitoba, the Judges of the Court of Queen's Bench, or the majority of them.

17. "*The Insolvent Act of* 1875," and the Acts amending it passed in thirty-ninth and fortieth years of Her Majesty's

Reign, and intituled respectively "*An Act to amend the Insolvent Act of* 1875," and "*An Act to amend the Act of* 1875, *and the Act amending the same*," shall be and are hereby repealed, and no Act repealed by the said Acts, or either of them, shall be thereby revived: Provided that all proceedings under the "*Insolvent Act of* 1875, *and Amending Acts*," in any case where an assignee has been appointed before the passing of this Act, may be continued and completed, and shall be of the same effect as if this Act had not been passed.

1st Session, 4th Parliament, 42 Victoria, 1879.

PROPOSED AMENDMENTS

To Bill No. 15, intituled: "An Act to repeal the Acts respecting Insolvency now in force in the Dominion."

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 16.] **BILL.** [1879.

An Act relating to the protest of Inland Bills of Exchange and Promissory Notes, in Nova Scotia.

WHEREAS it is desirable that the laws at present relating to the process of foreign bills of exchange and promissory notes should be and become applicable to inland bills of exchange and promissory notes within the Province of Nova Scotia: Therefore 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 first day of July next after the passing of this Act, all bills of exchange and promissory notes drawn or made in, or dated at any place in the said Province of Nova Scotia, for the sum of twenty dollars and upwards, upon or in favor of any person or persons in the said Province of Nova Scotia, may on default of the acceptance or payment thereof be protested by a notary public, or, in the absence of such notary public, by a justice of the peace, in the same way, for the same ends and purposes, and subject to the same rules and regulations as are now applicable to or required for foreign bills of exchange or promissory notes in the said Province; for which protest there shall be charged a notarial fee not exceeding *one dollar*. How such bills and notes may be protested in Nova Scotia. Fee.

No. 16.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act relating to the protest of Inland Bills of Exchange.

Received and read, first time, Monday, 3rd March, 1879.

Second reading, Wednesday, 5th March, 1879.

Mr. DOULL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 17.] **BILL.** [1879.

An Act to provide for the payment of the Defendant's costs in certain actions at the suit of the Crown.

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

Courts having concurrent jurisdiction with Exchequer Court, may avoid such costs.

1. The several courts and judges thereof in the different Provinces of the Dominion, having concurrent jurisdiction with the Dominion Exchequer Court, shall have power to award and tax costs in favor of and against the Crown as well as the subject, in all cases in which such concurrent jurisdiction exists under section fifty-eight of the Act thirty-eight Victoria, chapter eleven.

As to payment of such costs to or by the Crown.

2. Any costs adjudged to Her Majesty in any one of the Provincial Courts in any such case shall be paid to the Receiver-General, and the Receiver-General shall pay out of any moneys in his hands, for the time being applicable thereto or which may be voted by Parliament for that purpose, any costs awarded to any person against Her Majesty.

No. 17.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to provide for the payment of the Defendant's costs in certain actions at the suit of the Crown.

Received and read, first time, Monday, 3rd March, 1879.

Second reading, Wednesday, 5th March, 1879.

Mr. MACDONELL
(Inverness).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 18.] **BILL.** [1879.

An Act to amend the Acts respecting the "Isolated Risk and Farmers' Fire Insurance Company of Canada," and to change the name thereof to the "Sovereign Fire and Marine Insurance Company of Canada."

Preamble.

WHEREAS the Isolated Risk and Farmers' Fire Insurance Company of Canada, have, by their petition, represented that they are desirous of obtaining certain amendments and changes hereinafter mentioned, in their Act of incorporation, necessary to ensure the more efficient working of the Company, and have prayed for the passing of an Act to that end, 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 changed.

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

Company may engage in marine insurance business.

2. The said Company shall, in addition to their powers under the Acts hereby amended, 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 of or to any ships, boats, vessels, steamboats or other craft navigating the ocean, lakes, rivers, high seas, or any other navigable waters whatsoever, from any port or ports in Canada to any other port or ports in Canada, or to any foreign port or ports upon the ocean, lakes, rivers, or other navigable waters aforesaid, or from any 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, 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 any or all 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 insurances, on all or any of the seas, lakes, rivers and navi-

gable waters aforesaid, and to make and grant policies therein and thereupon.

Act of incorporation amended accordingly.

3. All provisions of the Acts of incorporation hereby amended, inconsistent with those of this Act, are hereby repealed; and the remaining provisions thereof are hereby so modified and ex ended, and shall be so construed and interpreted as to give effect to the provisions of this Act, according to the intent and purpose thereof.

General Act to apply.

4. The said Company shall be subject to the provisions of "*The Insurance Acts of* 1875 *and* 1877," and of any general law that may hereafter be passed, applying to Fire and Inland Marine Insurance Companies

No. 18.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Acts respecting the "Isolated Risk and Farmers' Fire Insurance Company of Canada," and to change the name thereof to the "Sovereign Fire and Marine Insurance Company of Canada."

Received and read first time, Monday, 3rd March, 1879.

Second reading, Wednesday, 5th March, 1879.

(PRIVATE BILL.)

Mr. MACKENZIE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1879.

No. 19.] **BILL** [1879.

An Act to amend the Act respecting the Election of Members of the House of Commons (37 Victoria, chap. 9.) and the Acts amending the same

Preamble.

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

Interpretation clause.

Candidate.

1. In this Act "Candidate" means any person who has been nominated as a candidate for the representation of any Electoral Division in the House of Commons, at any election, by any person or persons, in any public manner, or who has announced himself as such, or allowed himself to be announced as such, or on whose behalf support at an election has been asked; and any person who is actually nominated according to the provisions of the election law, on nomination-day at any election, shall be deemed, for the purposes of this Act, to have been a candidate from the time of the issue of the writ for such election.

Treating.

"Treating" means the giving, or procuring to be given, of meat, drink, refreshment or provisions to any elector, as recited in section ninety-four of thirty-seven Victoria, chapter nine, without regard to the intent of such acts.

Judge.

"Judge," except where otherwise specified in this Act, means the judge or judges trying a petition in respect of any election, or an appeal in respect of any such petition, under the provisions of any Act relating to elections or to the trial of controverted elections.

General treating defined.

2. The frequent or habitual treating of individuals or assemblies of individuals, by any candidate or his agent, a any time before an election, shall be held to be "general treating," whether it be done ostensibly with a view to influence the votes or opinions of electors or not, and whether it be accompanied by any attempt to influence the votes or opinions of electors or not, and notwithstanding any declaration made by any party to the treating, either at the time of the treating or any other time, on oath or otherwise, that such treating is not or was not intended to influence the votes or opinions of electors, and notwithstanding any plea that it has been the usual custom of any such candidate or agent to practise such frequent and habitual treating.

Report to be made by the Judge in case of general treating.

3. If a judge has reason to believe that general treating has been practised during any election by the successful candidate or any of his agents, he shall declare the election void, and shall report the name of every party guilty of such general treating. If the judge has reason to believe

that general treating has been practised by the unsuccessful candidate or any of his agents he shall report suchfact, together with the name of the guilty party.

Penalty for practising general treating.

4. Any person who shall practise such general treating shall incur a penalty of *two hundred dollars*, recoverable in the same manner as is provided for the recovery of like penalties by the Act thirty-seven Victoria, chapter nine, as amended by this Act; or in default of payment thereof shall be imprisoned for a term not exceeding three months.

What shall be corrupt treating.

5. The treating of any elector by any candidate or his agent at any time before an election, if preceded, accompanied, or followed by any attempt to influence the vote of such elector, or the frequent treating of any elector by any candidate or his agent at any time before an election, whether accompanied by any attempt to influence the vote of such elector or not, shall be held to be corrupt treating within the meaning of the Act 37 Victoria, chapter 9.

Penalty on disqualified persons voting at elections.

6. Any person disqualified by law from voting at an election of a member of the House of Commons, who nevertheless votes at any such election, shall incur a penalty of *two hundred dollars*, recoverable in the same manner as is provided for the recovery of like penalties by the Act, 37 Victoria, chapter 9, as amended by this Act; or in default of payment thereof, shall be imprisoned for a term not exceeding three months.

Attorney General to prosecute persons guilty of illegal practices for which penalties are imposed.

7. Whenever, during or after the trial of any election petition, any person is reported by the judge, or by any commissioner appointed by the Governor General under the provisions of the Act 39 Victoria, chapter 10, as guilty of any illegal practices to which penalties are attached by any of the Acts in respect of elections, it shall be the duty of the Attorney-General to proceed by law for the enforcement of such penalties, except against any person who has received a certificate that would protect him from proceedings under the provisions of the said Act, thirty-seven Victoria, chapter nine. Any moneys recovered by such proceedings shall, after defraying the costs of such proceedings, be primarily applied to meet the costs incurred in connection with the trial of such election, petition by the party to such trial at whose instance such person shall have been convicted of such illegal practices; Any balance of such moneys that may remain, shall belong to the Crown. No person against whom such proceedings shall have been taken by the Attorney-General, shall be subject to be sued for the recovery of any penalty under the provisions of the Act, 37 Victoria, Chapter 9, Section, 109.

Certain informalities not to invalidate any ballot, unless fraud has been committed and

8. No informality, neglect, error or omission, whether intentional or otherwise on the part of any Returning Officer, Deputy Returning Officer, Poll Clerk, or other official, in connection with the taking of the poll at any election, either in providing or dealing with the ballots, ballot-boxes, envelopes, poll-books, or any other documents or apparatus

used in taking a poll, before, during or after the taking of the poll, or in making reports, or in any of the acts prescribed by law for such official, shall be held to invalidate any ballot appearing to have been cast by any elector at such election, unless it shall appear to the judge, or a county judge who is re-counting the ballots appearing to have been cast at such election, that in consequence of such informality, neglect, error, or omission, fraud on the part of some elector or other person has actually occurred, and has affected some of the said ballots. If it so appear to such judge as aforesaid, he shall decide, after hearing all obtainable evidence, which ballot or ballots have been affected by such fraud, and shall hold the same to be invalid. If it do not so appear he shall hold good all ballots appearing to have been cast as aforesaid, notwithstanding any such informality, neglect, error or omission, on the part of any official as aforesaid, and whether such ballots be found in any packet or ballot box as provided by law or not.

has affected such ballot.

Duty of judge if such fraud appears.

And if fraud does not appear.

No. 19.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act respecting the election of Members of the House of Commons. (37 Victoria, Chap., 9.)

Received and read, first time, Monday, 3rd March, 1879.

Second reading, Wednesday, 5th March, 1879.

Mr Casey.

OTTAWA:
Printed by MacLean, Roger & Co.

1879.

No. 20.] **BILL.** [1879.

An Act to amend the Act forty-one Victoria, chapter twenty-nine, intituled: "An Act to revive and amend the Act incorporating the Montreal and Champlain Junction Railway Company."

Preamble. 41 V. c. 29

WHEREAS the Montreal and Champlain Junction Railway Company have, by their petition, prayed that the Act passed in the forty-first year of Her Majesty's reign, chapter twenty-nine may be amended in the respects in the said petition mentioned; 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:—

Section 3 amended.

1. The third section of the said Act, forty-first Victoria, chapter twenty-nine, is hereby amended by adding thereto the following: "and it shall be lawful for the Montreal and "Champlain Junction Railway Company on the making of "the said agreement to remove the materials so agreed for "from the said section of the Montreal and Champlain Junc- "tion Railway Company's line, so now owned by the Grand "Trunk Railway Company of Canada, as aforesaid, and to "use the same as is above provided, and thereupon the Grand "Trunk Railway Company of Canada shall be relieved and "discharged from further keeping open, using or maintain- "ing the part of their said line from which the materials shall "have been so taken as aforesaid; and it shall be lawful for "the Grand Trunk Railway Company in lieu of the said "piece of railway to use and pass their traffic over the line "of the Montreal and Champlain Junction Railway Company "from the said point of junction *viâ* St. Lambert, on such "terms and conditions as the said Montreal and Champlain "Junction Railway Company and the Grand Trunk Rail- "way Company of Canada may from time to time agree "upon; and further, upon the provisions of this section "being carried into effect the Grand Trunk Railway Company "of Canada shall be no longer bound or called upon to keep, "work or maintain a ferry across the River St Lawrence, "between Caughnawaga and Lachine."

No. 20.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

An Act to amend the Act 41 Victoria, Chapter 29, intituled : "An Act to revive and amend the Act incorporating the Montreal and Champlain Junction Railway Company."

Received and read 1st time, Monday, 3rd March, 1879.

Second reading, Wednesday, 5th March, 1879.

(PRIVATE BILL.)

Mr. SCRIVER.

OTTAWA:
Printed by MACLEAN, ROGER & Co.

1879

An Act to amend the Act forty-one Victoria, chapter twenty-nine, intituled: "An Act to revive and amend the Act incorporating the Montreal and Champlain Junction Railway Company."

(*Reprinted as amended by the Select Standing Committee on Railways, Canals and Telegraph Lines.*)

WHEREAS the Montreal and Champlain Junction Railway Company have, by their petition, prayed that the Act passed in the forty-first year of Her Majesty's reign, chapter twenty-nine may be amended as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The third section of the said Act, forty-first Victoria, chapter twenty-nine, is hereby amended by adding thereto the following: "and it shall be lawful for the Montreal and "Champlain Junction Railway Company on the making of "the said agreement to remove the materials so agreed for "from the said section of the Montreal and Champlain Junc-"tion Railway Company's line, so now owned by the Grand "Trunk Railway Company of Canada, as aforesaid, and to "use the same as is above provided, and thereupon the Grand "Trunk Railway Company of Canada shall be relieved and "discharged from further keeping open, using or maintain-"ing the part of their said line from which the materials shall "have been so taken as aforesaid; and it shall be lawful for "the Grand Trunk Railway Company in lieu of the said "piece of railway to use and pass their traffic over the line "of the Montreal and Champlain Junction Railway Company "from the said point of junction *viâ* St. Lambert, on such "terms and conditions as the said Montreal and Champlain "Junction Railway Company and the Grand Trunk Rail-"way Company of Canada may from time to time agree "upon; and further, upon the provisions of this section "being carried into effect the Grand Trunk Railway Company "of Canada shall be no longer bound or called upon to keep, "work or maintain a ferry across the River St. Lawrence, "between Caughnawaga and Lachine."

2. The said Montreal and Champlain Junction Railway Company shall not exercise the power above given, nor shall the Grand Trunk Railway Company of Canada be relieved, as in the third section of the Act hereinbefore cited, as amended by this Act, provided, until the line of the said Montreal and Champlain Junction Railway Company, between St. Isidore and St. Lambert, is completed, graded and ready for the superstructure.

3. So soon as the said line is ready as above mentioned, the said Companies shall respectively use all possible diligence in completing the said line between the points aforesaid, and in opening and using the same for traffic.

4. On the said change being made, and on the Grand Trunk Railway Company of Canada being relieved as hereinbefore provided, all the provisions of the Act twentieth Victoria, chapter one hundred and forty-two section five, as to the train service on the Montreal and Champlain Railway line, and also the provisions of the Act thirty-fifth Victoria, chapter seventy-four, section seven, shall apply to the said line between the said point of junction and Montreal by way of St Lambert and the Victoria Bridge, in substitution for the said portion of the Montreal and Champlain line between St. Isidore Station and Caughnawaga, as fully as if the said substituted part had formed part of the said line at the time of the passing of the said Act.

5. The said point of junction shall not be south of St. Isidore station on the Montreal and Champlain Company's Railway, now owned by the Grand Trunk Railway Company as aforesaid.

6. The Montreal and Champlain Junction Railway Company shall have power to extend their line from the said point of junction on the Montreal and Champlain Railway to the village of Dundee Lines in the County of Huntingdon, by way of the village of Ste. Martine and Durham, in the County of Chateauguay, and the village of Huntingdon in the County of Huntingdon, or as near thereto as reasonably can be.

7. All the provisions of section three of the Act forty-first Victoria, chapter twenty-nine, shall apply to the said extension, and all the provisions of "*The Railway Act*, 1868," except as varied by the Act incorporating the said Montreal and Champlain Junction Railway Company shall also apply.

8. Nothing in this Act contained shall be held to authorize or justify the occurrence of an interval of more than ten days between the cessation of the daily running of trains between Caughnawaga and the Province Line and the commencement of the daily running of trains between the point of junction aforesaid and Montreal by way of St. Lambert and Victoria Bridge.

No. 20.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act 41 Victoria, Chapter 29, intituled: "An Act to revive and amend the Act incorporating the Montreal and Champlain Junction Railway Company."

(*Reprinted as amended by the Select Standing Committee on Railways, Canals and Telegraph Lines.*)

(PRIVATE BILL.)

Mr. SCRIVER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1879.

No. 21.] **BILL.** [1879.

An Act to amend the Dominion Lands Acts.

Preamble. Acts amended.

IN further amendment of the "*Dominion Lands Act*," and of the Acts thirty-seven Victoria, chapter nineteen, and thirty-nine Victoria, chapter nineteen, amending the same: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Dominion Lands Act, 35 V. c. 23, s. 1, amended.

1. Section one of the "*Dominion Lands Act*," passed in the thirty-fifth year of Her Majesty's reign, chapter twenty-three, is hereby amended by striking out of the second line of the said section the words "North-West Territories," and inserting in lieu thereof the words "several territories of the Dominion."

Section 15 amended.

2. Sub-section two of section fifteen of the said Act is hereby amended by adding at the end thereof, the following words: "intended to show the above proposed sub-division of a section."

Section 22 amended.

3. Sub-section two of section twenty-two of the said Act is hereby amended by inserting between the words "sections" and "or," in the second line thereof, the words "being agricultural lands."

Section 29 re-amended. Proviso added.

4 Section twenty-nine of the said Act, as amended by the Act thirty-seven Victoria, chapter nineteen, section six, is hereby further amended by adding at the end thereof, the following words: "Provided further, that any legal sub-division or other portion of unappropriated Dominion land which may include a water power, harbor or stone-quarry, shall not be open for purchase at the rate of one dollar per acre, but the same shall be reserved from ordinary sale, to be disposed of in such manner, and on such terms and conditions, as may be fixed by the Governor in Council on the report of the Minister of the Interior."

Section 33 re-amended.

5. Section thirty-three of the said Act, as amended by the Act thirty-seven Victoria, chapter nineteen, section eight, and as further amended by the Act thirty-nine Victoria, chapter nineteen, section four, is hereby further amended by striking out the word "quarter-section" in the third line thereof, and substituting therefor the words "one hundred and sixty acres;"—and also, by inserting the word "for" after the word "or" in the fourth line of the said section thirty-three.

Sect. 33, sub-sect. 5, &c., amended.

6. The sub-section substituted for sub-section five of section thirty-three of the said Act, by section six of the Act

thirty-nine Victoria, chapter nineteen, is hereby amended by adding at the end thereof the following words: "Whereupon such claimant shall be allowed to enter, in legal sub-divisions, to the extent of one hundred and sixty acres, as a homestead, the land upon which he may be resident, in such manner as to cover his most valuable improvments: Provided that on the survey of a Township being made, the Government shall not be bound to protect any person found to have settled on land which by law may be claimed by the Hudson's Bay Company."

Additional provision added.

Proviso added.

Sect. 3, sub-s. 18, re-amended.

7. The sub-section substituted for sub-section eighteen of section thirty-three of the said Act, by section fourteen of the Act thirty-nine Victoria, chapter nineteen, is hereby amended by inserting between the words "lands" and "or," on the fourth line thereof, the following words: "or to those lands on which coal or mineral are at the time known to exist."

Sect. 46, sub-sect. 5, re-amended.

8. The sub-section substituted for sub-section five of section forty-six of the said Act, by section ten of the Act thirty-seven Victoria, chapter nineteen, as amended by section eighteen of the Act thirty-nine Victoria, chapter nineteen, is hereby further amended by adding thereto the following words: "Provided that the cancellation of a homestead shall carry with it the cancellation of the wood lot which may have been apportioned thereto, and also the forfeiture of the purchase money of such wood lot."

Proviso added.

Sect. 51, sub-section 10, re-amended.

9. Sub-section ten, added to section fifty-one of the said Act, by section eleven of the Act thirty-seven Victoria, chapter nineteen, is hereby amended by adding at the end thereof the following words: "Provided also, that the Governor in Council may, on the recommendation of the Minister of the Interior, in special cases where the same may be deemed expedient, grant licenses to cut timber for one year, and renewable from year to year, in the discretion of the Minister of the Interior, at such ground rent as the Minister may deem fair and reasonable; such license to be subject in all respects to the other provisions of this section, except where the same may be inconsistent herewith."

Proviso added as to timber licences.

Section 68 amended.

10. Section sixty-eight of the said Act is hereby amended by inserting between the words "thereon" and "from," in the eighth line thereof, the words "at the rate of six per centum per annum."

Section 73 amended.

11. Section seventy-three of the said Act is hereby amended by inserting between the words "exempt" and "from," in the thirteenth line thereof, the following words: "by the provisions of this Act," and by striking out the words "under the provisions hereinafter contained," in the thirteenth and fourteenth lines of the said section.

Sect. 31, sub-sect. 2, of 39 V. c. 19, amended.

12. Sub-section two of section thirty-one of the Act thirty-nine Victoria, chapter nineteen, is hereby amended by striking out the words "and series."

13. Sub-section three of the said section thirty-one of the Act thirty-nine Victoria, chapter nineteen, is hereby repealed, and the following is substituted therefor: "The plane co-ordinate geometry of the point, straight-line, circle and ellipse, and the transformation of co-ordinates." Sect. 31, sub-sect 3, of 39 V. c. 19, amended.

14. Section seventy-seven of the "*Dominion Lands Act*" is hereby amended by inserting between the word "commission" and the word "provided," in the ninth line thereof, the following words: "Provided that the Legislature of the Province of the Dominion in which such person may have become duly qualified to survey the Crown Lands, as above mentioned, shall have passed an Act reciprocating with the Dominion the privilege herein specified, that is to say, that the law of such Province shall have declared all duly commissioned Dominion Lands Surveyors to be entitled to an examination without service under a licensed surveyor for such Province, and that upon their competence being established by such examination, they shall receive a diploma, certificate, or commission, as the case may be, similar to that granted to surveyors of lands in such Province." Sect. 77 of 35 V. c. 23, amended. Proviso added as to Provincial Surveyors.

15. The "*Dominion Lands Act*" is hereby amended by inserting between sections seventy-seven and seventy-eight an additional section, (to be known as seventy-seven *a*) in the following words: "Seventy-seven *a*. The application of any Provincial Land Surveyor to be granted a commission as Dominion Lands Surveyor, under the next preceding section, shall not be entertained by the Board of Examiners unless the Province within which such person may have become duly qualified to survey the Crown Lands shall have reciprocated the privilege by permitting Dominion Lands Surveyors to obtain diplomas, certificates, or commissions, as the case may be, as Surveyors of Lands, within such Province, upon the terms set forth in the next preceding section." New sect. inserted as 77 *a*, of 35 V. c. 23. Provision respecting provincial surveyors.

16. Section eighty-one of the said Act is hereby amended by striking out the words "six months," in the sixth line of the said section, and substituting therefor the words "one year." Section 81 amended.

17. Section eighty-two of the said Act is hereby amended by striking out the last two words thereof, and adding to the same, as so altered, the following words: "engaged during such period in surveying Dominion lands." Section 82 amended.

18. Section fourteen of the Act thirty-seven Victoria, chapter nineteen, and the section substituted for section fifteen of the said Act, by the Act thirty-nine Victoria, chapter nineteen, are hereby repealed. Sect. 14 of 37 V. c. 19, and sect 15 as amended repealed.

19. Section twenty of the Act thirty-nine Victoria, chapter nineteen, is hereby amended by striking out the words "one quarter section or less quantity," in the third and fourth lines thereof, and substituting therefor the words "one legal sub- Sect. 20 of 39 V. c. 19, amended.

division, not in any case, however, to exceed one hundred and sixty acres."

Section 21 of 39 V. c. 19, amended.

20. Section twenty-one of the said Act thirty-nine Victoria, chapter nineteen, is hereby amended by inserting between the words "dollars" and "for," in the fifth line, the following words: "in case such legal sub-division is one of one hundred and sixty acres, or of five dollars in case such legal sub-division is one of eighty acres, or of two and a-half dollars in case such legal sub-division is one of forty acres," Also by inserting the word "fee" between the words "which" and "he," in the same line of the said section.

Section 22 of 39 V. c. 19, amended.

21. Section twenty-two of the said Act thirty-nine Victoria, chapter nineteen, is hereby amended by substituting the word "eight" for the word "six," in the second line thereof.

Section 23 of 39 V. c. 19, amended.

22. Section twenty-three of the said Act thirty-nine Victoria, chapter nineteen, is hereby amended by substituting the word "eight" for the word "six," in the first line thereof. Also, by inserting between the words "years" and "the" in the said first line of the said section, the words following "or at any time within five years after the expi- "ration of the said term, as hereinafter provided."

Sub-section 1 repealed and new substituted.

23. Sub-section one of the said section twenty-three of the Act thirty-nine Victoria, chapter nineteen, is hereby repealed, and the following provision is substituted therefor:

1. "That five acres of the land so entered, in case the same consists of a legal sub-division of one hundred and sixty acres, shall be broken or ploughed the first year after entry, and an equal quantity during the second year after entry."

Sub-section 2 repealed and new substituted.

24. Sub-section two of the said section twenty-three of the Act thirty-nine Victoria, chapter nineteen, is hereby repealed, and the following provision is substituted therefor:

"2. That the five acres of the land entered, which have been broken or ploughed during the first year, shall be cultivated to crop during the second year, and the five acres broken or ploughed during the second year shall be cultivated to crop during the third year."

Sub-section 3 repealed and new substituted.

25. Sub-section three of the said section twenty-three of the Act thirty-nine Victoria, chapter nineteen is hereby repealed, and the following substituted therefor:

"3. That the five acres broken or ploughed during the first year, and cultivated to crop during the second year as above provided, shall be planted in trees, tree-seeds or cuttings during the third year, and the five acres broken or ploughed during the second year, and cultivated to crop during the third year as above provided, shall be planted in trees, tree-seeds or cuttings during the fourth year:

"*Provided* that in cases where the land entered consists of a legal sub-division less than one hundred and sixty acres, then the respective areas requiring to be broken or ploughed cultivated to crop, and planted, under this sub-section and the two sub-sections next preceding, shall be proportionately less in extent: Proviso.

"*Provided* also, that the Minister of the Interior, in his discretion, and on his being satisfied that any trees, tree-seeds, or cuttings, may have been destroyed from any cause not within the control of the person holding the tree-claim, may grant an extension of time for carrying out the provisions of the three sub-sections next preceding: Proviso.

"*Provided* also, that at the expiration of the said term of eight years, or at any time within five years thereafter, the person obtaining such tree-claim, on proving to the satisfaction of the Minister of the Interior that he or she has planted not less than two thousand seven hundred trees on each acre of the portion broken or ploughed and cultivated to crop as hereinbefore provided, and that at the time of applying for a patent for the tree-claim, there are then growing thereon at least six hundred and seventy-five living and thrifty trees to each acre, the claimant shall receive a patent for the legal sub-division entered." Proviso.

26. Section twenty-four of the said Act thirty-nine Victoria, chapter nineteen, is hereby amended by striking out the following words in the first line: "within a period of six years as above." Section 24 amended.

27. The expression "the said Act," when used in the foregoing enactments, without the addition of any year or chapter, means the "*Dominion Lands Act*" of 1872. Interpretation.

No. 21.

1st Session 5th Parliament, 42nd Victoria, 1879

BILL.

An Act to amend the Dominion Lands Acts.

Received and read the first time, Monday, 3rd March, 1879.

Second reading, Tuesday, 4th March, 1879.

SIR JOHN A. MACDONALD.

OTTAWA:

Printed by MACLEAN ROGER & Co.

1879.

MEMORANDUM

To accompany the Bill to amend and consolidate the Acts respecting the Public Lands of the Dominion.

NOTE.—The following sections or parts of sections are those of the existing Acts which will be repealed or materially amended by the said Bill. The notes at the bottom of each indicate the Acts and sections or sub-sections from which they are taken, and the sections of the Bill containing the amended or substituted provisions, in the margin opposite each of which they are referred to by the capital letters prefixed to them respectively.

A. The entry of a person as aforesaid for a homestead right shall entitle him to receive at the same time therewith an entry for any adjoining quarter-section then unclaimed, and such entry shall entitle such person to take and hold possession of and cultivate such quarter-section in addition to his homestead, but not to cut wood thereon for sale or barter, and, at the expiration of the period of three years, or upon the sooner obtaining a patent for the homestead, under the fifteenth sub-section of this section, shall entitle him to a pre-emption of the said adjoining quarter-section at the Government price of one dollar per acre ; but the right to claim such pre-emption shall cease and be forfeited, together with all improvements on the land, upon any forfeiture of the homestead right under this Act. 39 V., c. 19, s. 5 ;

To be amended as shewn in S. 34, sub-sec. 18 of the Bill.

B. The above provisions relating to homesteads shall only apply to agricultural lands ; that is to say, they shall not be held to apply to lands set apart as timber limits, or as hay lands, or to lands valuable for stone or marble quarries, or to those having water power thereon which may be useful for driving machinery. 39 V., c. 19, S. 14, sub-sec. 18.

To be amended as shewn in S. 34, sub-sec. 18 of the the Bill.

C. Provided, that any homestead claimant, who, previous to the issue of the patent, shall sell any of the timber on his claim or on the wood lot appertaining to his claim, to saw mill proprietors or to any other than settlers for their own private use, shall be guilty of a trespass, and may be prosecuted therefor before a Justice of the Peace, and upon conviction thereof, shall be subject to a fine or imprisonment, or both ; and further, such person shall forfeit his claim absolutely. S. 46, sub-sec. 6.

To be amended as shewn in S. 47, sub-sec. 6 of the Bill.

FOREST TREE CULTURE.

D. Any person, male or female, being a subject of Her Majesty by birth or naturalization, and having attained the age of eighteen years, shall be entitled to be entered for one quarter-section, or less quantity of unappropriated Dominion lands as a claim for forest tree planting. 39 V., c. 19, S. 20.

E. Applic ation for such entry shall be made in Form F in e schedulehereto, and the person so applying shall make an affidavit before the local agent according to G in the schedule hereto, and shall pay at the time of applying an office fee of ten dollars, for which he or she shall receive a receipt and also a certificate of entry, and shall thereupon be entitled into entry into possession of the land. 39 V., c. 19, S. 21.

F. No patent shall issue for the land so entered until the expiration of six years from the date of entering into possession thereof, and any assignment of such land shall be null and void unless permission to make the same shall have been previously obtained from the Minister of the Interior. 39 V., c. 19, S. 22.

G. At the expiration of six years the person who obtained the entry, or, if not living, his or her legal representative or assigns, shall receive a patent for the land so entered on proof to the satisfaction of the local agent as follows:—

1. That eight acres of the land entered had been broken and prepared for tree planting within one year after entry, an equal quantity during the second year, and sixteen additional acres within the third year after such date;

2. That eight acres of the land entered had been planted with forest trees during the second year, an equal quantity during the third year, and sixteen additional acres within four years from the date of entry,—the trees so planted being not less than twelve feet apart each way;

3. That the above area, that is to say, one-fifth of the land has, for the last two years of the term, been planted with timber, and that the latter has been regularly and well cultivated and protected from the time of planting: Provided that in cases where the land entered is less in extent than one quarter-section, or one hundred and sixty acres, then the respective areas required to be broken and planted under this and the two next preceding sub-sections shall beproportionately less in extent. 39 V., c. 89. S. 23.

These four sections are to be amended as shewn in the sections bearing the numbers 66, 67, 68, 69, *in the Bill.*

WHO SHALL BE COMPETENT TO SURVEY THE DOMINION LANDS.

H. No person shall act as surveyor of Dominion Lands unless he shall, previously to the passing of this Act, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the Provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth, that is to say:—

1. Except such persons as at the time of the passing of this Act hold certificates, diplomas or commissions to practice as surveyors, as hereinbefore set forth, no person shall be competent to act professionally as a surveyor of Dominion lands in Manitoba, or the North-West Territories, unless he

shall undergo an examination before the Board of Examiners hereinafter mentioned, or be exempt from undergoing such examination under provisions herein after contained,and receive a commission certifying that he is qualified to act as such.

2. Persons so qualified shall be styled "*Dominion Land Surveyors.*', S. 73, and 37 V., c. 19, S. 22.
To be amended as shewn in Section 83 of the Bill.

I. It shall not be necessary for any person who may, after the passing of this Act, become duly qualified by diploma, certificate or commission, to survey the Crown Lands in some one of the Provinces of the Dominion, to serve under articles as aforesaid to entitle such person to examination by the said Board for a commission as a Dominion Land Surveyor, but such person shall be entitled to such examination without further service, at any regular meeting of the board, and if found competent, shall receive such commission: Provided, nevertheless, that in case such person should not on the first examination be found qualified, the board may grant him a second examination after he shall have passed through such further course of theory or practice as may have been recommended by the board: Provided further that any person who may have acquired a certificate, diploma or commission in any of the Provinces of the Dominion where the course and examination prescribed are similar to those in clause seventy-five of this Act, shall not be required to be re-examined by the board, but shall, upon proof of the facts, and payment of the admission fee fixed by sub-clause four of the clause eighty-four of this Act, receive from the board a commission as a Dominion Land Surveyor. S. 77.
This Section is repealed, and Section 91 of the Bill substituted for it.

J. Every person desiring to be examined before the said Board for a commission as a Dominion Land Surveyor, shall give due notice thereof in writing to the Secretary at least two months previous to the meeting of the Board, enclosing with such notice the fee of two dollars. S. 83.
To be amended as shewn in S. 94 of the Bill.

Section 81 of the Act 35 V., c. 23, is amended by substituting "one year" for six months," in line 7, Sec. S. 92 of the Bill.

K. Candidates for examination for commissions as Dominion Land Surveyors may, at their own request, in addition to the foregoing, be examined as to the knowledge they may possess of the following subjects relating to the higher surveying, qualifying them for the prosecution of extensive governing or topographic surveys, or those of geographic exploration, that it to say :—

1 Algebra, including quadratic equations, series, and calculation of logarithms,

2. The analytic deduction of formulas and series, of plane and spherical trigonometry ;

3. The plane co-ordinate geometry of the point, straight line, transformation of co-ordinates, circle and ellipse ;

This portion of Section 31 of 39 V., c. 19, is to be amended as shewn in Section 98 of the Bill, and the proviso at the end is to be omitted.

L. Gentlemen who may have become qualified to act as Dominion Land Surveyors previous to the passing of this Act, may, if desirous of so doing, and having given notice in writing to the Secretary, at least two months previous to the meeting of the Board, of such desire, be examined as to their knowledge of the higher branches of surveying, and other subjects under the preceeding section ; and all candidates for such examination, whether holding commissions previously or otherwise, on passing the same, shall have the fact certified by the board. 39 V., c. 19, S. 32.

To be amended as shewn in Section 99 of Bill.

M. The following fees shall be paid under the provisions of this Act :—

1. To the secretary of the board, by each pupil, on giving notice of his desire for examination preliminary to being articled, one dollar ;

2. To the secretary of the board, as the fee due on such examination, ten dollars, and a further sum of two dollars for certificate ;

3. To the secretary of the board, by each pupil, at the time of transmitting to such secretary the indentures or articles of such pupil, two dollars ;

4. To the secretary of the board, by each candidate for final examination, with his notice thereof, two dollars ;

5. To the secretary of the board, by each applicant obtaining a commission, as his fee thereon, two dollars ;

6. To the secretary of the board, as an admission fee by the candidate receiving the commission, twenty dollars, which sum shall also cover any certificate by the board in the case of a candidate passing the higher examination ; but such amount, as also the ten dollars required to be paid under sub-section two of this section, shall be paid to the Receiver-General to the credit of Dominion Lands. 39 V., c. 19, s. 33.

To be amended as shewn in S. 100 of the Bill.

N. The said board may, in their discretion, suspend or dismiss from the practice of his profession any Dominion Land Surveyor whom they may find guilty of gross negligence or corruption in the execution of the duties of his office ; but the board shall not suspend or dismiss such Dominion Land Surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered either in

support of the complaint, or on behalf of the Dominion Land Surveyor inculpated. S. 86.

To be amended as shewn in S. 102 of the Bill.

PARTIES SETTLING LARGE TRACTS.

O. If any person or persons undertake to settle any of the public lands of the Dominion free of expense to the Government, in the proportion of one family to each alternate quarter section, or not less than sixty-four families in any one township, under the Homestead provisions of this Act, the Governor in Council may withdraw any such township from public sale and general settlement; and may, if he thinks proper, having reference to the settlement so effected and to the expense incurred by such person or persons in procuring the same, order the sale of any other and additional lands in such township to such person or persons at a reduced price, and may make all necessary conditions and agreements for carrying the same into effect. 37 V., c. 19, s. 14.

P. The expenses, or any part thereof, incurred by any person or persons for the passage-money, or subsistence, in bringing out an immigrant, or for aid in erecting buildings on the homestead, or in providing farm implements or seed for such immigrant, may, if so agreed upon by the parties, be made a charge on the homestead of such immigrant; and in case of such immigrant attempting to evade such liability by obtaining a homestead entry outside of the land withdrawn under the provisions of the next preceding section, then, and in such case, the expense incurred on behalf of such immigrant, as above, shall become a charge on the homestead so entered, which, with interest thereon, must be satisfied before a patent shall issue for the land:—Provided as follows:—

(*a*). That the sum or sums charged for the passage-money and subsistence of such immigrant shall not be in excess of the actual cost of the same as proved to the satisfaction of the Minister of the Interior;

(*b*). That an acknowledgement by such immigrant of the debt so incurred shall have been filed in the Dominion Lands office;

(*c*). That, in no case, shall the charges for principal moneys advanced against such homestead, exceed in amount the sum of two hundred dollars;

(*d*). That no greater rate of interest than six per cent. per annum shall be charged on the debt so incurred by such immigrant. 39 V., c. 19, s. 35.

These two sections are omitted in the Bill and are repealed.

Q. The Governor in Council shall, at any time hereafter, subject to then existing rights, as defined or created under this Act, withdraw from the operation of this Act, such

lands as have been reserved for Indians or may be required to satisfy the Half-Breeds' claims created under section thirty-one of the Act thirty-three Victoria, chapter three, and also land to such extent as may be required for railway purposes, and further, may, from time to time, make such orders as he may deem necessary to carry out the provisions of this Act according to their true intent, or to meet any cases which may arise and for which no provision is made by this Act, and may, from time to time, alter or revoke the same and make others in their stead, and such orders shall be published in the *Canada Gazette*, and in such newspapers as the Minister of the Interior may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof. S. 105.

This section is omitted in the Bill, and Section 125 *substituted for it.*

No. 21. **BILL.** [1879.

An Act to amend and consolidate the several Acts respecting the Public Lands of the Dominion.

NOTE.—The note at the end of each section or sub-section shews the Act, section and sub-section from which it is taken. When they are taken from *The Dominion Lands Act* (35 Vic., c. 23) this is indicated by the letter S and the number of the section or sub-section: when they are taken from an amending Act, the year of the reign and the chapter are also mentioned. When the section or part of it is new, this is indicated by the word "New" in the margin, but if it is only amended this is indicated by the word "Amended" in the margin—and the capital letter, under which, in the Memorandum prefixed, the provision amended will be found *as it stands in the law now in force:* so that the amendment made can be readily seen.

Preamble.

WHEREAS it is expedient with a view to the proper and efficient administration and management of certain of the public lands of the Dominion, that the same should be regulated by statute, and divers Acts have been passed for that purpose which it is expedient to amend and consolidate: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PRELIMINARY—INTERPRETATION.

Interpretation.

1. This Act shall apply exclusively to the Lands included in Manitoba and the several Territories of the Dominion, which lands shall be styled and known as *Dominion Lands*; and this Act shall be known and may be cited as the "*Dominion Lands Act* 1879," and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:

Minister of the Interior.

1. The term *Minister of the Interior*, means the Minister of the Interior of Canada.

"Surveyor General."

2. The term *Surveyor-General* means the said officer, or, in his absence, the chief clerk performing his duties for the time being.

"Agent," "Officer."

3. The term *Agent* or *Officer* means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; and the term *Local Agent* means the Agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the term *Land Office* means the office of any such Agent.

"Dominion Land Surveyor."

4. The term *Dominion Land Surveyor* mean a Surveyor duly authorized under the provisions of this Act to survey Dominion lands.

"Crown Timber Agent."

5. The term *Crown Timber Agent* means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer, in respect to the timber on Dominion lands.

"Island."

6. The term *Island*, as used in connection with timber means an isolated grove or clump of timber in Prairie.

"Belt."

7. The term *Belt*, as used in connection with timber, means a strip of timber along the shore of a lake, river or water course.

"Section." "Sub-Section"

8. The term *section* means a section of this Act distinguished by a separate number, and the term *sub-section* means a subdivision of any clause distinguished by a separate number or letter, in smaller type.

"Canada Gazette."

9. The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa. S. 1.

DOMINION LANDS OFFICE.

Administration and management of Dominion Lands.

2. The Department of the Minister of the Interior of Canada, shall be charged with the administration and management of the Dominion lands.

Office.

1. Such administration and management shall be effected through a Branch of the said Department, to be known and designated as "*The Dominion Lands Office.*"

Copies of Documents Certified.

2. Copies of any records, documents, plans, books, or papers belonging to or deposited in the said office, attested under the signature of the Minister of the Interior or of the Surveyor-General, and of plans or documents in any Dominion lands or Surveys office in Manitoba or the North-West Territories, attested under the signature of the Agent or Inspector of Surveys, as the case may be, in charge of such office, shall be competent evidence in all cases in which the original records, documents, books, plans, or papers could be evidence.

Employees not to purchase lands, &c.

3. No person employed in or under the Dominion Lands Office shall purchase any of such lands, except under authority of an Order in Council, or shall locate military or bounty land warrants, or land scrip, or act as agent of any other persons in such behalf,—S. 2 and 39 Victoria, Chapter 19, ss. 1 and 2.

SYSTEM OF SURVEY.

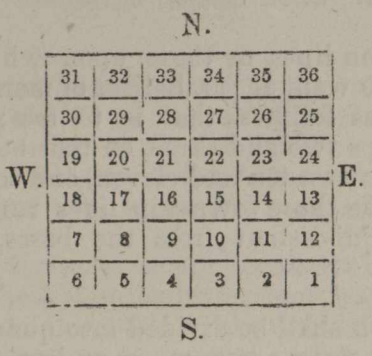
System of Survey

3. Subject always to the provisions hereinafter made with respect to special cases,—

Townships to contain thirty six square miles exclusive of road allowances.

1. The Dominion lands shall be laid off in quadrilateral Townships, containing thirty-six sections of one mile square in each, (except in the case of those sections rendered irregular by the convergence or divergence of meridians as hereinafter mentioned) together with road allowances of one chain and fifty links in width, between all townships and sections.

2. The sections shall be bounded and numbered as shewn by the following diagram : Sections.



3. The township therefore will, subject to deficiency or surplus from converging or diverging meridians, as the case may be, measure on each side, from centre to centre of the road allowances bounding the same, four hundred and eighty-nine chains ; Provided that the Governor in Council may hereafter, should the same be deemed expedient, reduce the width of the road allowances on township and section lines in that part of the territory lying north of the line between townships eighteen and nineteen, and east of the tenth range east of the principal meridian, and west of the fourteenth range west of the said meridian. S. 3. Townships to measure on each side 489 chains. Proviso : as to reduction of width of road allowances, in certain places.

4. The lines bounding townships on the east and west sides shall in all cases be true meridians, and those on the north and south sides shall be cords intersecting circles of latitude passing through the angles of the townships. S. 4. Lines bounding townships.

5. The townships shall be numbered in regular order northerly from the international boundary or forty-ninth parallel of latitude, and shall lie in ranges numbered, in Manitoba, east and west from a certain meridian line run in the year 1869, styled the "Principal Meridian," drawn northerly from the said forty-ninth parallel at a point ten miles or thereabouts westerly from Pembina. S. 5. Townships shall be numbered.

6. In the territories east and west of Manitoba such other governing or guide meridians may be adopted and confirmed by the Governor in Council as may from time to time become expedient. S. 6. Other governing or guide meridians.

7. The townships shall be laid out the precise width of four hundred and eighty-nine chains, as aforesaid, on the base lines hereinafter mentioned, and the meridians between townships shall be drawn from such bases, north or south to the depth of two townships, that is to say, to the correction lines hereinafter mentioned. S. 7. Townships to be 489 chains wide on the base lines.

8. The said forty-ninth parallel or international boundary shall be the first base line, or that for townships one and two. The second base line shall be between townships four and five, the third between townships eight and nine, the fourth Base lines for townships.

between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly in regular succession. S. 8.

Correction lines, what township lines to be.

9. The correction lines, or those upon which the "jog" resulting from the want of parallelism of meridians shall be allowed, will be as follows, that is to say:—On the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on. In other words, they will be those township lines running east and west which are equi-distant from the bases, at the depth of two townships. S. 9.

Division of section.

10. Each section shall be divided into quarter sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made. S. 10.

Allowances for deficiency or surplus in survey of townships.

11. In the survey of any and every township, the deficiency or surplus, as the case may be, resulting from convergence or divergence of meridians shall be allowed in the range of quarter sections adjoining the west boundary of the township, and the north and south error in closing on the correction lines from the the north or south shall be allowed in the ranges of quarter sections adjoining, and north or south respectively of the said correction lines. Section 11.

Dimensions and area of irregular quarter-sections, how to be returned.

12. The dimensions and area of the irregular quarter sections resulting from the provision in the next preceding clause, whether the same be deficient or in excess, shall, in all cases, be returned by the surveyor at their actual measurements and contents. S. 12.

Country to be laid out into blocks of four townships each in the first instance, and how.

13. Preliminary to the sub-division into townships and sections of any given portion of country proposed to be laid out for settlement, the same shall be laid out into blocks of four townships each, by projecting the base and correction lines, and east and west meridian boundaries of each block:

Corners.

1. On these lines, at the time of the survey, all township section and quarter section corners shall be marked, which corners shall govern, respectively, in the subsequent subdivision of the block.

Posts and monuments.

2. Only a single row of posts or monuments to indicate the corners of townships, or sections (except as hereinafter provided), shall be placed on any survey line. These posts or monuments, as an invariable rule (with the exception above referred to,) shall be placed in the west limit of the road allowances, on north and south lines, and in the south limit of road allowances, on east and west lines; and in all cases shall fix and govern the position of the boundary corner between the two adjoining townships, sections, or quarter sections on the opposite side of the road allowance

Proviso: as to correction lines.

3. Provided that in the case of the township, section and quarter section corners on correction lines, posts or monuments shall in all cases be planted and marked independent-

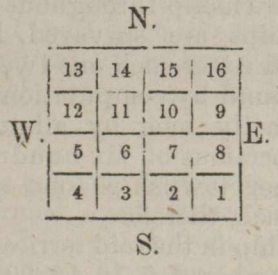
ly for the townships on either side ; those for the townships north of the line, in the north limit of the road allowance ; and those for the townships south, in the south limit. S. 13.

14. The township sub-division surveys of the Dominion lands, according to the system above described, shall be carried out and shall be performed by contract at a certain rate per mile or per acre, fixed from time to time by the Governor in Council. S. 14, and 37 Victoria, Chapter 19, s. 1. Surveys to be performed by contract.

15. Legal sub-divisions as applicable to the survey, sale and granting of the Dominion lands, shall be as follows : and it shall be sufficient that such legal subdivisions be severally, as the case may require, designated and described by such names or numbers and areas for letters patent, that is to say : Legal sub-divisions of townships.

1. A section or 640 acres ;
A half section or 320 acres ;
A quarter section or 160 acres ;
A half quarter section or 80 acres.
A quarter quarter section or 40 acres.

2. To facilitate the descriptions for Letters Patent of less than a half quarter section, the quarter sections composing every section in accordance with the boundaries of the same as planted or placed in the original survey, shall be supposed to be divided into quarter quarter sections, or forty acres, and such quarter quarter sections shall be numbered as shewn in the following diagram, which is intended to shew the above proposed subdivisions of a section. Quarter quarter sections.



3. The area of any legal subdivision as above set forth, in Letters Patent, shall be held to be more or less, and shall in each case be represented by the exact quantity as given to such subdivision in the original survey. S. 15, and 37 Victoria, Chapter 19, s. 2. Areas to be more or less.

16. Provided that nothing in this Act shall be construed to prevent the lands upon the Red and Assineboine Rivers surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as may be necessary in order to carry out section thirty-two of the Act thirty-third Victoria, chapter three, or to prevent fractional sections or lands bordering on any river, lake, or other water course or public road, from being divided ; or such lands from being laid out in lots of any certain frontage and depth, in such manner as Proviso : as to the laying out and description of lands in certain localities.

may appear desirable; or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided; or from describing the said lands upon the Red and Assineboine Rivers, or such subdivisions of fractional sections, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient. S. 16.

DISPOSAL OF THE DOMINION LANDS.

LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

Recital.

17. Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the "Fertile Belt:"

Recital.

And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot; and whereas the said Company and the Government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth:

Recital.

And whereas it is found by computation that the said one-twentieth will be exactly met, by allotting in every fifth township two whole sections of six hundred and forty acres each, and in all other townships one section and three quarters of a section each, therefore—

Certain sections and parts of sections in certain townships to be known as Hudson's Bay Company's lands.

In every fifth township in the said territory; that is to say: in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections Nos. 8 and 26, and in each and every of the other townships, the whole of section No. 8, and the south half and north-west quarter of section 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company. S. 17.

The Company's one-twentieth in fractional townships.

18. Provided that the Company's one twentieth of the lands in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships, the allotment thereof to be effected by the Minister of the Interior and the said Company, or some person duly authorized by them respectively. 37 Vic. Cap. 19, s. 3.

19. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bonâ fide* settled on under the authority of any Order in Council, or of this Act, then if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied. S. 19.

Company may select land in lieu of allotted land found to be settled upon under authority.

20. Provided also, as regards the sections and parts of sections as mentioned in clause seventeen, that where the same may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in such townships, but shall be held to be the property of the Company.

Company's lands to form no part of timber limits.

2. Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the Company, such one-twentieth to cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed, in which event the Company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as hereinbefore enacted: Provided, nevertheless, that on such sections being surveyed as aforesaid, should the same or either of them prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township. S. 20 and 37 Vic. Cap. 19, s. 4.

The Company to be paid one-twentieth of the revenues from timber limits in unsurveyed territory within the fertile belt.

Proviso.

21. As townships are surveyed and the respective surveys therefore confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the said Company shall be duly notified thereof by the Surveyor-General, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company will be entitled under clause seventeen, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands; and as regards the lands set apart by lot, and those selected to satisfy the one-twentieth in townships other than the above, as provided in clauses eighteen and nineteen, returns thereof shall be made in due course by the Local Agent or Agents to the Dominion Lands Office, and patents shall issue for the same accordingly. S. 21

Title to lands to pass to Company without Patent in certain cases, and under Patents in other cases.

EDUCATIONAL ENDOWMENT.

Sections 11 and 29 in every township set apart as an educational endowment.

22. And whereas it is expedient to make provision in aid of education in Manitoba, and the North-West Territories, therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion lands, shall be and are hereby set apart as an endowment for purposes of education.

Such sections not to be subject to right of purchae by private entry or pre-emption or homestead right.

1. The sections so dedicated shall be designated "school lands," and shall be dealt with in manner as hereinafter provided, and the same are hereby withdrawn from the operation of the clauses in this Act relating to purchase by private entry and to homestead right, and it is hereby declared that no such right of purchase by private entry or homestead right shall be recognized in connection with the said sections or any part or parts thereof:

Proviso: if such sections are found settled on and improved.

2. Provided, that on a township being surveyed, should such sections, or either of them, or any part of either, be found to have been settled on and improved, then and in such case the occupant or occupants conforming to the requirements of this Act shall be confirmed in such possession and the Minister of the Interior shall select a quantity equal to that found to have been so settled on from the unclaimed lands in such township, and shall withdraw the land so selected from sale and settlement, and shall set apart and publish the same as school lands, by notice in the *Canada Gazette*. S. 22.

Proviso: Homestead lands.

New.

3. Provided further, that the land found to have been settled upon and improved as above is not embraced within the class of lands reserved from the operation of the Homestead provisions of this Act by sub-section eighteen of section thirty-four thereof.

DISPOSAL OF SCHOOL LANDS.

How to be administered.

New Section.

23. The school lands shall be administered by the Governor in Council, through the Minister of the Interior:

Sales to be by auction; upset price limited.

1. Provided that all sales of school lands shall be at public auction, and that in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands may be situate.

Terms of payment.

2. Provided, also, that the terms of sale of school lands shall be one-fifth in cash at the time of sale, and the remainder in nine equal successive annual instalments, with interest at the rate of six per cent. per annum, to be paid with each instalment on the balance of purchase-money from time to time remaining unpaid.

Investment of moneys arising from sales; dis-

3. Provided, also, that all moneys from time to time realized from the sale of school lands shall be invested in Dominion securities, and the interest arising therefrom, after

deducting the cost of management, shall be paid annually to the Government of the Province or Territory within which such lands are situated towards the support of public schools therein; the moneys so paid to be distributed with such view by the Government of such Province or Territory in manner as may be deemed most expedient. Disposal of interest on securities.

MILITARY BOUNTY LAND CLAIMS.

24. In all cases in which land has heretofore been or shall hereafter be given by the Dominion for military services, warrants shall be granted in favor of the parties entitled to such land by the Minister of Militia and Defence, and such warrants shall be recorded in the Dominion Lands Office in books to be kept for the purpose, and shall be located as hereinafter provided, and patents for the lands so located shall be issued accordingly. Warrants to be granted for lands given for military services.

1. Such warrants may be located by the owners thereof, in any of the Dominion lands open for sale, or may be received in payment for a homestead claim for the same number of acres, or in payment in part or in full, as the case may be, for the purchase at public or private sale of Dominion lands, at the value shewn upon their face, estimating the number of acres in the warrant at the price mentioned therein. Provided always, that no greater area than twenty per cent. of the land, exclusive of school and Hudson Bay Company lands, in any township, shall be open for entry by Military Bounty warrants issued after the passing of this Act. Such warrants may be located in lands open for sale, or be given in payment for lands. Proviso.

2. In accepting warrants as so much purchase-money, any deficiency shall be payable in cash. But should any payment by warrant or by amount in warrants, be in excess, the Government will not return any such excess. As to warrants accepted as purchase money.

3. In locating a warrant, should the same be for any aliquot part of a section, it must be located in a legal subdivision of corresponding extent; for instance, a warrant calling for one hundred and sixty acres must be located in a certain quarter section intact. S. 23, and 39 Vic., cap. 19, s. 3. As to locating warrants.

25. Assignments of Military Bounty land warrants duly made and attested before any person entitled by law to take affidavits shall be recognized as conveying the beneficial interest therein, but no assignment of the interest of the original owner (except in the case of Red River soldiers' warrants as hereinafter mentioned) will be held as transferring such interest, unless the assignment be endorsed on the back of the warrant; and in subsequent assignments the warrant, unless the same has been lost (as hereinafter mentioned), must be attached to and form part of the claimant's or locatee's papers. S. 24. Assignments of Military Bounty Land Warrants.

26. In all cases where an officer or soldier entitled to Military Bounty land dies before the issue of the warrant, or between the issue of the warrant and the location thereof, Warrant or patent to issue in favor of legal repre-

sentatives of deceased officer or soldier.

the warrant or the patent, or both, as the case may be, shall issue in favor of the legal representatives of such deceased officer or soldier, according to the law of the Province or Territory where the lands in question lie, who shall be ascertained in such manner and by such Court, Commissioners or other tribunal, as the Legislature of such Province shall prescribe by any Act passed for that purpose, and shall be certified to the Governor under such Act,—or if the lands be in any territory in which there is then no Legislature, then in such manner and by such Commissioners as the Governor in Council may from time to time direct,—and any Order in Council in that behalf may vest in any Commissioners under it power to summon witnesses and examine them on oath and to compel the production of documents, and generally may vest in them all such powers, and impose upon all other persons all such obligations, as the Governor in Council may deem necessary in order to ascertain and certify to the Governor the person or persons to whom the Patent ought to issue,—and on any such certificate under this clause the Patent shall issue in accordance therewith. S. 25.

Provision in case of there being no Court to determine the legal representative.

2. Provided that in the absence of any court, commissioners, or other tribunal established by the Legislature of the Province or Territory within which the lands in question lie, to determine the legal representatives of such deceased officer or soldier, the Minister of the Interior may refer any case arising under the provisions of this section to the court authorized to be established under the Act passed in the thirty-sixth year of Her Majesty's reign, chapter six, intituled "*An Act respecting claims to Lands in Manitoba for which no Patents have issued;*" and the provisions thereof shall be and are hereby declared to be in this respect applicable to cases arising under this section. 37 V., c. 19, s. 5.

New warrant in case of one lost or destroyed.

27. Whenever any warrant for military bounty land, issued in pursuance of this Act, is lost or destroyed, whether the same may or may not have been sold and assigned by the original owner, the Minister of Militia and Defence (such loss or destruction having been proved to his satisfaction) may, and he is hereby required to cause a new warrant of like tenor to be issued in lieu thereof, in favor of the person to whom the warrant belonged at the time of its loss or destruction, if he be still living, or of his legal representatives as aforesaid, if he be no longer living, which new warrant may be assigned, located, and patented, and shall be of like value in every respect, with the original warrant; and in any and all such cases of re-issue, the original warrant, in whosesoever hands it may be, shall be null and void. S. 26.

Recital.

28. And whereas by Order of the Governor in Council, dated the 25th April, 1871, it is declared that,—

Free grants under Order in Council confirmed.

The officers and soldiers of the 1st or Ontario and the 2nd or Quebec Battalion of Rifles, then stationed in Manitoba, whether in the service or depôt companies, and not having been dismissed therefrom, should be entitled to a free grant of land, without actual residence, of one quarter section,—

such grant is hereby confirmed, and the Minister of Militia and Defence is hereby authorized and required to issue the necessary warrants therefor accordingly. S. 27.

29. And whereas effect could not be given to the above-mentioned Order in Council, until the lands in Manitoba had been surveyed, and in the mean time many of the said men so entitled as above have assigned their interest in such free grants,—such assignments duly made and attested, and having the certificate of discharge in the case of non-commissioned officers or private soldiers attached thereto, and filed in the Dominion Lands Office before the issue of the warrant, shall be held to transfer in each case the interest of the man so entitled in the warrant when issued, which latter, in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the party entitled thereto, or for location. S. 28.

Assignments of interest in Government grants recognized.

ORDINARY PURCHASE AND SALE OF LANDS.

30. Unappropriated Dominion lands, the surveys of which may have been duly made and confirmed, shall, except as otherwise hereinafter provided, be open for purchase at the rate of one dollar per acre; but no such purchase of more than a section, or six hundred and forty acres, shall be made by the same person; provided that whenever so ordered by the Minister of the Interior such unoccupied lands as may be deemed by him expedient from time to time may be withdrawn from ordinary sale or settlement, and offered at public sale (of which sale due and sufficient notice shall be given) at the upset price of one dollar per acre, and sold to the highest bidder. S. 29, and 37 V., c. 19, s. 6.

Surveyed Dominion Lands open to purchase at $1 per acre.

Proviso.

2. Provided further, that any legal sub-division or other portion of unappropriated Dominion land which may include a water power, harbor or stone-quarry, shall not be open for purchase at the rate of one dollar per acre, but the same shall be reserved from ordinary sale, to be disposed of in such manner, and on such terms and conditions, as may be fixed by the Governor in Council on the report of the Minister of the Interior.

Proviso added.

New.

PAYMENTS FOR LANDS.

31. Payments for lands, purchased in the ordinary manner, shall be made in cash, except in the case of payment by scrip or in military bounty warrants as hereinbefore provided. S. 30, and 37 V., c. 19, s. 7.

Payments in cash.

Exceptions.

TOWN PLOTS, &C.

32. The Minister of the Interior shall have power, from time time, to set apart and withdraw from purchase and from the homestead clauses of this Act, any tract or tracts of land which it may be considered by him expedient to lay out into Town or Village Plots, and to cause the same to be surveyed and laid out, and the lots so laid out to be sold, either

Minister may reserve tracts for Town or Village plots.

by private sale and for such price as he may see fit, or at public auction. S. 31.

Governor in Council may set lands apart for other public purposes.

33. The Governor in Council may also set apart and appropriate such Dominion lands as he may deem expedient, for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares and for other like public purposes, and at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient, and he may make free grants for the purposes aforesaid of the lands so appropriated, the trusts and uses to which they are to be subject being expressed in the letters patent. S. 32.

HOMESTEAD RIGHTS OR FREE GRANT LANDS.

Entry for homestead right.

34. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, shall be entitled to be entered for one hundred and sixty acres, or for a less quantity, of unappropriated Dominion lands, for the purpose of securing a homestead right in respect thereof. (Form A.) 39 V., c. 19, s. 4.

Proviso as to settlers under Act of 1874.

New.

But a person obtaining such homestead entry shall be liable to the forfeiture thereof should he not become a *bonâ fide* occupant of the land so entered within two months of the date of entry, and thenceforth continue to occupy and cultivate the same as hereinafter provided.

Rights obtained by entry.

1. The entry of a person as aforesaid for a homestead right shall entitle him, on payment of a fee equal in amount to that hereinafter prescribed for such homestead entry, to receive at the same time therewith an entry for any adjoining one hundred and sixty acres, or less quantity, of Dominion land then unclaimed, and such entry shall entitle such person to take and hold possession of and cultivate such land so entered in addition to his homestead, but not to cut wood thereon for sale or barter, and, at the expiration of the period of three years, or upon the sooner obtaining a patent for the homestead under the fifteenth sub-section of this section, shall entitle him to a pre-emption of the said land so entered at the Government price of one dollar per acre; but the right to claim such pre-emption shall cease and be forfeited, together with all improvements on such land, upon any forfeiture of the homestead right under this Act:

Amended, see A.

Forfeiture in certain cases.

When two or more claim.

2. When two or more persons have settled on and seek to obtain a title to the same land, the homestead right shall be in him who made the first settlement.

If both have improved.

3. Provided, that in cases where both parties may have made valuable improvements, the Minister of the Interior may order a division of such land, in legal subdivisions, in such manner as may preserve to the said parties, as far as practicable, their several improvements, and further, may direct that what the land of each of such parties, as so divided, may be deficient of a quarter-section, shall be severally made up to them in legal subdivisions from unoccupied quarter-sections adjoining.

Interfering claims, how settled.

4. Questions as to the homestead right arising between different settlers shall be investigated by the Local Agent of the division in which the land is situated, whose report and recommendation, together with the evidence taken, shall be referred to the Minister of the Interior for decision.

Homestead claims on surveyed land.

On unsurveyed land.

5. Every person claiming a homestead right on surveyed land must, previously to settlement on such land, be duly entered therefor with the Local Agent within whose district such land may be situate; but in case of a claim from actual settlement in then unsurveyed lands, the claimant must file such application within three months after due notice has been received at the local office of such land having been surveyed and the survey thereof confirmed, and proof of settlement and improvement shall be made to the Local Agent at the time of filing such application, whereupon such claimant shall be allowed to enter, to the extent of one hundred and sixty acres, as a homestead, the land as the same may have been surveyed and laid out, upon which he may be resident, in such manner as to cover his most valuable improvments. Provided that on the survey of a Township being made, the Government shall not be bound to protect any person found to have settled on land which, by law or by allotment duly made, may be claimed by the Hudson's Bay Company. 39 V., c. 19, s. 6, *amended.*

Occupants of contiguous lands.

6. Persons owning and occupying Dominion lands may be entered for other land lying contiguous to their lands, but the whole extent of land, including that previously owned and occupied, must not exceed one hundred and sixty acres, and must be in legal subdivisions. Sub. 6.

Entry of contiguous lands.

7. In entries of contiguous lands, the settler must describe in his affidavit the tract he owns and is settled upon as his original farm. Actual residence on the contiguous land entered is not required, but *bonâ fide* improvement and cultivation of it must be thereafter shewn for the period required by the provisions of this Act. Subs. 9 *and* 39 Vic., c. 19, s. 8.

Affidavit to be made in Form B.

8. A person applying for leave to be entered for lands with a view of securing a homestead right therein, shall make affidavit before the Local Agent according to the form B in the Schedule to this Act. 39 V. c. 19, s. 7.

Entry.

9. Upon making this affidavit, and filing it with the Local Agent, and on payment to him of an office fee of ten dollars for which he shall receive a receipt from the Agent, he shall be permitted to enter the land specified in the application. Subs. 8 *and* 39 Vic., c. 19, s. 8.

No patent for 3 years.

10. No patent shall be granted for the land until the expiration of three years from the time of entering into possession of it, except as hereinafter provided.

Rights of Representatives of set-

11. At the expiration of three years the settler or his widow, her heirs or devisees, or if the settler leaves no

tlers, after 3 years.

widow, his heirs or devisees, upon proof to the satisfaction of the local agent, that he or his widow or his or her representatives as aforesaid, or some of them, have (except in the case of entry upon contiguous lands as hereinbefore provided) resided upon and cultivated the land for the three years next after the filing of the affidavit for entry, or in the case of a settler on unsurveyed land, who may, upon the same being surveyed, have filed his application as provided in sub-section five, upon proof, as aforesaid, that he or his widow, or his or their representatives, as aforesaid, or some of them, have resided upon and cultivated the land for the three years next preceding the application for patent, shall be entitled to a patent for the land, provided such claimant is then a subject of Her Majesty by birth or naturalization.

Proviso.

Provided always, that the right of the claimant to obtain a patent under the said sub-section as amended, shall be subject to the provisions of section *fifteen* of this Act. 37 V., c. 19, s. 8.

Proviso : as to settlements by communities.

Provided further that, in the case of settlements being formed of immigrants in communities, (such for instance as those of Mennonites or Icelanders,) the Minister of the Interior may vary or waive, in his discretion, the foregoing requirements as to residence and cultivation on each separate quarter-section entered as a homestead. 39 V. c. 19, s. 9.

12. When both parents die, without having devised the land, and leaving a child or children under age, it shall be lawful for the executors (if any) of the last surviving parent, or the guardian or guardians of such child or children, with the approval of a Judge of a Superior Court of the Province or Territory in which the lands lie, to sell the lands for the benefit of the infant or infants, but for no other purpose; and the purchaser, in such case, shall receive a patent for the land so purchased. Subs. 12 *and* 39 V., c. 19, s. 10.

Title in Crown until patent.

13. The title to lands shall remain in the Crown until the issue of the patent therefor, and such lands shall not be liable to be taken in execution before the issue of the patent

Settler abandoning his claim.

14. In case it is proved to the satisfaction of the Minister of the Interior that the settler has voluntarily relinquished his claim, or has been absent from the land entered by him for more than six months in any one year without leave of absence from the Minister of the Interior, then the right to such land shall be liable to forfeiture, and may be cancelled by the said Minister, and the settler so relinquishing or abandoning his claim shall not be permitted to make more than a second entry. 39 V., c. 19, s. 11.

Patent before end of 3 years on payment of price, &c.

15. Any person who has availed himself of the foregoing provisions may, before the expiration of the three years, obtain a patent for the land entered upon by him, including the wood lot, if any, appertaining to the same, as hereinafter provided, on paying the Government price thereof at the date of entry, and making proof of settlement and cultivation for not less than twelve months from the date of entry. Subs. 15 *and* 37 V. c. 19, s. 8.

16. Proof of actual settlement and cultivation shall be made by affidavit of the claimant before the Local Agent, corroborated on oath by two credible witnesses. Proof of improvement.

The Minister of the Interior may at any time order an inspection of any homestead or homesteads in reference to which there may be reason to believe the foregoing provisions, as regards settlement and cultivation, have not been, or are not being carried out, and may, on a report of the facts, cancel the entry of such homestead or homesteads. Subs. 16 *and* (37 V., c. 19, s. 8.) Inspection by order of Minister.

And in the case of a cancelled homestead, with or without improvements thereon, the same shall not be considered as of right open for fresh entry, but may be held for sale of the land and of the improvements, or of the improvements thereon, in connection with a fresh homestead entry thereof, at the discretion of the Minister of the Interior. 39 V., c. 19, s. 12. Provision in case of a cancelled homestead.

17. All assignments and transfers of homestead rights before the issue of the patent shall be null and void, but shall be deemed evidence of abandonment of the right; and the person so assigning or transferring shall not be permitted to make a second entry. Assignments void.

Provided that the provisions of this sub-section shall be subject to the provisions of section of this Act, so that an assignment or transfer of a homestead right before the issue of the patent shall be valid if made for a charge created under the said section. 37 V. c. 19, s. 8, Subs. 6. Proviso: for special case.

Any person who may have obtained a homestead entry, shall be considered, unless and until such entry be cancelled, as having an exclusive right to the land so entered as against any other person or persons whomsoever, and may bring and maintain actions for trespass committed on the said land or any part thereof. 39 V., c. 19, s. 13. Homestead to give certain rights.

18. The above provisions relating to homesteads shall only apply to agricultural lands; that is to say, they shall not be held to apply to lands set apart as timber limits, or as hay lands, or to those lands on which coal or other valuable mineral is, at the time known to exist, or to lands valuable for stone or marble quarries, or to those having water power thereon which may be useful for driving machinery. 39 V., c. 19, s. 14, *amended* B. Certain provisions to apply only to agricultural lands. *Amended B.*

GRAZING LANDS.

35. The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons whomsoever, for such term of years and at such rent in each case as may be deemed expedient; but every such lease shall, among other things, contain a condition by which, if it should thereafter be thought expedient by the Minister of the Interior to offer the land covered thereby for settlement, the said Minister may, on giving the lessee two years' notice, cancel the lease at any time during the term. 39 V., c. 19, s. 15. Special provision as to leases of grazinglands.

HAY LANDS.

Leases of hay lands for purpose of cutting.

36. Leases of unoccupied Dominion lands, not exceeding in any case a legal subdivision of forty acres, may be granted, for the purpose of cutting hay thereon, to any person or persons whomsoever being *bonâ fide* settlers in the vicinity of such hay lands, for such term and at such rent fixed by public auction or otherwise as the Minister of the Interior may deem expedient; but such lease, except as may be otherwise specially agreed upon, shall not operate to prevent, at any time during the term thereof, the sale or settlement of the lands described therein under the provisions of this Act, —the lessee being paid in such case by the purchaser or settler, for fencing or other improvements made on such land, such sum as shall be fixed by the Local Agent, and allowed to remove any hay he may have made. 39 V., c. 19, s. 16

Proviso: not to prevent settlement.

MINING LANDS.

Mines or minerals not to be reserved in patents of lands.

37. No reservation of gold, silver, iron, copper, or other mines or minerals shall be inserted in any patent from the Crown granting any portion of the Dominion lands. S. 36.

Any person may explore and purchase mining lands.

38. Any person or persons may explore for mines or minerals on any of the Dominion lands, surveyed or unsurveyed, and not then marked or staked out and claimed or occupied, and may, subject to the provisions hereinafter contained, purchase the same. S. 37

Mining lands in surveyed townships to be sold in legal subdivisions.

Those in unsurveyed territory, without the limits of the Fertile Belt, to be sold in blocks, to be called mining locations.

Description of such blocks.

39. Mining lands, if in surveyed townships, may be acquired under the provisions herein contained, and shall be sold in legal subdivisions. When situate in unsurveyed territory and without the limits of the Fertile Belt, such lands shall be sold in blocks to be called mining locations; and every such mining location, except as hereinafter provided, shall be bounded by lines due north and south and due east and west, astronomically; and each such location shall correspond with one of the following dimensions, namely, eighty chains in length by forty in width, containing three hundred and twenty acres,—or forty chains square, containing one hundred and sixty acres,—or forty chains in length by twenty in width, containing eighty acres.

Proviso: as to rich mineral lands.

1. Provided further that in case of certain lands proving to be rich in minerals, the Minister of the Interior shall have the power to withdraw such lands from sale, and in lieu thereof institute a system of lease.

Proviso for rent.

2. The rent payable to the Crown under any such lease shall be a royalty, not to exceed two and a-half per cent. on the net profits of working.

Proviso: sale when no prior right.

3. Provided further, that when there are two or more applicants for the same tract, and a prior right in either or any of the applicants is not established to the satisfaction of the Minister of the Interior, the same may be tendered for by the claimants on stated terms of lease, and sold to the highest bidder.

4. Provided also that in territory supposed to contain minerals the Minister of the Interior may in his discretion reserve from sale, alternate locations, or quarter-sections, or other legal subdivisions with the view of subsequently offering the same either for sale or lease at public competition. S. 38. Further provision for reservation.

40. Mining locations in unsurveyed territory shall be surveyed by a Dominion Land Surveyor, and shall be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the maps of the territory in the Dominion Lands Office) at the cost of the applicants, who shall be required to furnish, with their application, the Surveyor's plan, field notes and description thereof. S. 39. Mining locations to be surveyed.

41. No distinction in price shall be made between lands supposed to contain mines or minerals and farming lands, but both classes shall be sold at the uniform price of one dollar per acre; provided that *section thirty* of this Act as regards offering lands at public sale shall apply to coal and mineral lands also, when the same are in surveyed townships. S. 40. Lands supposed to contain minerals, to be sold at the same price as farming lands. Proviso.

42. It shall also be lawful for the Minister of the Interior to exempt from the preceding provisions of this Act, such of the Dominion lands upon or adjoining the banks of rivers or other waters as may be supposed to contain valuable "Bar," "Bench," or "Dry" "Diggings" for gold or other precious metals; and the Governor in Council shall regulate, from time to time, as the same may become necessary and expedient, the nature and size of the claims containing such diggings, and shall fix the terms and conditions upon which the same shall be held and worked, and the royalty payable in respect thereof, and shall appoint and prescribe the duties of such officers as may be necessary to carry out such regulations. S. 41. Exemption of certain lands from preceding provisions. Governor in Council to regulate.

INDIAN TITLE.

43. None of the provisions of this Act respecting the settlement of Agricultural lands, or the lease of Timber lands, or the purchase and sale of Mineral lands, shall be held to apply to territory the Indian title to which shall not at the time have been extinguished. S. 42. As to lands still under Indian title.

COAL LANDS.

44. Coal lands designated by the Government as such are hereby withdrawn from the operation of this Act as regards the rights of squatters to homesteads on the Dominion lands in advance of the Surveys. S. 43. Excepted from homestead claims.

45. The Minister of the Interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on,—provided, that Provision as to working coal mines.

before entering on the working of such mines, such person or persons make written application to the Local Agent to purchase such land; such application must be accompanied by a description by a Dominion Land Surveyor setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall be in the discretion of the Minister but shall in no case exceed three hundred and twenty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same— and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for:

Proviso: as to H. B. Co.

Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to sections 8 and 26 as hereinbefore enacted:

Further proviso.

Provided further, that the survey of the township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained:

Proviso for continuous working.

Provided further that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior, during the interim between the application and the survey; but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase-money which may have been paid to the Government on account thereof. 37 V., c. 19, s. 9.

Coal lands may be exempted from sale and settlement under this Act.

46. The Minister of the Interior, with the view of preventing undue monopoly in coal lands, may in his discretion, on a township being surveyed, exempt from the sale and settlement provisions of this Act, the sections or other legal subdivisions of land which may be said to contain coal, except those on which mining may have been carried on under the next preceding clause; and the same shall be subsequently sold or otherwise dealt with in such manner as may be deemed expedient by the Governor in Council. S. 45.

TIMBER AND TIMBER LANDS.

TIMBER IN TOWNSHIPS SURVEYED FOR SETTLEMENT.

Timber forming islands or belts in townships thrown open for

47. And whereas it is expedient that the timber forming Islands or Belts in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers and to prevent petty monopoly, it is therefore enacted as follows:—

1. The Minister of the Interior may direct that in the subdivision of townships which may consist partly of prairie and partly of timber land, such of the sections or subdivisions of sections containing Islands, Belts, or other tracts of timber, shall be subdivided into such number of wood lots of not less than ten, and not more than twenty acres in each lot, as will afford, so far as the extent of wood land in the township may permit, one such wood lot to each quarter-section prairie farm in such township. settlement, to be disposed of so as to benefit the greatest possible number of settlers and prevent petty monopoly, and how.

2. Provided, that neither the sections and parts of sections in each township vested in the Hudson's Bay Company by this Act nor those sections set apart herein for schools, shall be subject in any way to the operation of the next preceding sub-clause. Proviso as to school sections.

3 The division of such wood lots shall be by squared posts, numbered from one upwards, marked with a marking iron, and planted in the section lines bounding the timber tract so laid out; and each wood lot shall front on a section road allowance. Marking out wood lots.

4. Provided, that in case an Island or Belt of timber be found in the survey of any township to lie in a quarter-section or several quarter-sections, but in such manner that no single quarter-section shall have more of such timber than twenty-five acres, such timber shall be taken to be appurtenant to such quarter-section or quarter-sections, and shall not be further divided into wood lots. S. 46. Proviso in case of island or belt of timber.

5. The Local Agent, as settlers shall apply for homestead rights in the township, and in the same order as such applications shall be made, shall, if so requested, apportion a wood lot to each quarter-section so applied for not having thereon more than ten acres of timber, and such wood lot shall be paid for by the applicant at the rate of one dollar per acre, and shall be entered on the Local Agent's books and be returned by him as in connection with the homestead so entered; and on such homestead claimant fulfilling all the requirements of this Act in that behalf, but not otherwise, a patent shall issue to him for such wood lot. (37 V., c. 19, s. 10.) Provided always, that any person to whom a wood lot was apportioned in connection with a homestead under the provisions of sub-section five of section forty-six of *The Dominion Lands Act of* 1872, having duly fulfilled the conditions of such homestead grant required by the said Act, shall receive a patent for such wood lot as a free grant, as provided in the said sub-section, notwithstanding the repeal of the said sub-section by the Act of 1874. Provided further, that the cancellation of a homestead shall carry with it the cancellation of the wood lot which may have been apportioned thereto, and also the forfeiture of the purchase money of such wood lot. 39 V., c. 19, s. 18, *amended*. Apportionment of wood lots to settlers. Proviso: wood lots to be free grants in certain cases. *New Proviso.*

6. Provided, that any homestead claimant, who, previous to the issue of the patent shall sell any of the timber on his Proviso: against sale

of timber to saw millers, &c.

Amendment, See C.

claim or on the wood lot appertaining to his claim, to saw-mill proprietors or to any other than settlers for their own private use, without having previously obtained permission so to do from the Minister of the Interior, shall be guilty of a trespass, and may be prosecuted therefor before a Justice of the Peace, and upon conviction thereof, shall be subject to a fine or imprisonment, or both ; and further, such person shall forfeit his claim absolutely. S. 46, Sub.-s. 6.

TIMBER AND TIMBER LANDS.

Reservation of timber lands.

48. Any tract of land covered by forest timber may be set apart as timber lands, and reserved from sale and settlement. S. 47.

Timber limits.

49 Except where it may be thought expedient by the Minister of the Interior to divide a township into two or more timber limits, the several townships composing any such tract shall each form a limit. S. 48.

Word "timber" defined.

50. In the enactments and provisions under the present heading, *Timber and Timber Lands*, the word "timber" includes all lumber, and all products of timber hereinafter mentioned, or of any other kind whatever, including firewood or bark. S. 49.

Right of cutting to be sold.

51. The right of cutting timber on such limits shall be put up at a bonus per square mile, varying according to the situation and value of the limit, and sold to the highest bidder by competition, either by tender or at public auction. S. 50.

Purchaser to have lease.

52. The purchaser shall receive a lease granting the right of cutting timber on the land for twenty-one years, and containing the following conditions, with such others as shall have been embodied in the notice of sale, that is to say :—

Conditions of lease.

Mills.

1. The lessee to erect a sawmill or mills in connection with such limit and lease, and subject to any special conditions which may be agreed upon and stated in the lease, such mill or mills to be of capacity to cut at the rate of a thousand feet, board measure, in twenty-four hours, for every two and a half square miles of limits in the lease, or shall establish such other manufactory of wood goods as may be agreed upon as the equivalent of such mill or mills, and the lessee to work the limit, in the manner and to the extent provided in the lease, within two years from the date thereof, and during each succeeding year of the term.

To take all timber.

2 To take from every tree he cuts down all the timber fit for use, and manufacture the same into sawn lumber or some other such saleable product as may be provided in the lease or by any regulations made under this Act.

To prevent destruction.

3. To prevent all unnecessary destruction of growing timber on the part of his men, and to exercise strict and constant supervision to prevent the origin or spread of fires.

4. To make returns to the Government monthly, or at such other periods as may be required by the Minister of the Interior, or by regulations under this Act, sworn to by him or by his agent or employee, cognizant of the facts, declaring the quantities sold or disposed of as aforesaid, of all sawn lumber, timber, railway-car stuff, ship timbers and knees, shingles, laths, cordwood or bark, or any other product of timber from the limit, in whatever form the same may be, sold or otherwise disposed of by him during such month or other period, and the price or value thereof. To make monthly returns.

5. To pay, in addition to the bonus, an annual ground rent of two dollars per square mile, and further a royalty of five per cent. on his monthly account. Rent.

6. To keep correct books of such kind and in such form as may be provided by his lease or by Regulation under this Act, and to submit the same for the inspection of the collector of dues whenever required, for the purpose of verifying his returns aforesaid. To keep books.

7. The lease shall describe the lands upon which the timber may be cut, and shall vest in the lessee during its continuance, the right to take and keep exclusive possession of the lands so described, subject to the conditions hereinbefore provided or referred to; and such lease shall vest in the holder thereof all right of property whatsoever in all trees, timber, lumber, and other products of timber cut within the limits of the lease during the continuance thereof, whether such trees, timber and lumber or products be cut by authority of the holder of such lease or by any other person, with or without his consent; and such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit, at law or in equity, against any party unlawfully in possession of any such timber, or of any land so leased, and to prosecute all trespassers thereon and other such offenders as aforesaid, to conviction and punishment, and to recover damages, if any: and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired. Rights of the lessee.

8. Such lease shall be subject to forfeiture for infraction of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister of the Interior shall have the right, without any suit or other proceeding at law or in equity, or compensation to the lessee, to cancel the same, and to make a new lease or disposition of the limit described therein, to any other party, at any time during the term of the lease so cancelled: Provided, that the Minister of the Interior, if he sees fit, may refrain from forfeiting such lease for non-payment of dues, and may enforce payment of such dues in the manner hereinafter provided. Forfeiture of the lease.

9. The lessee who faithfully carries out the above conditions shall have the refusal of the same limits, if not Renewal of lease.

required for settlement, for a further term not exceeding twenty-one years, on payment of the same amount of bonus per square mile as was paid originally, and on such lessee agreeing to such conditions, and to pay such other rates as may be determined on for such second term. S. 51.

Leases to cut timber on unsurveyed lands.

10. Provided, that in cases where application may be made for limits on which to cut timber in unsurveyed territory, the Governor in Council may, on the recommendation of the Minister of the Interior, authorize the same to be leased for such bonus as may be deemed fair and reasonable —such leases to be subject nevertheless to the foregoing conditions of this section, except as to that part of sub-section one, which provides for the erection of mills, which provision, in respect to limits in unsurveyed territory may, if considered expedient by the Minister of the Interior, be dispensed with. 37 V., c. 19, s. 11.

What may be considered surveyed T rritory.

Leases of unsurveyed, from year to year.

New Proviso.

"Provided also, that territory in which the block outlines only of townships may have been run and marked, shall be considered surveyed territory; and provided further, that the Governor in Council may, on the recommendation of the Minister of the Interior, in special cases where the same may be deemed expedient, grant licenses in either surveyed or unsurveyed territory, as the case may be, to cut timber for one year, and renewable from year to year, in the discretion of the Minister of the Interior, at such ground rent as the Minister may deem fair and reasonable; such license to be subject in all respects to the other provisions of this section, except where the same may be inconsistent herewith.

Lease of land previously leased, sold granted or set apart to be void.

53. If, in consequence of any incorrectness in survey, or other error or cause whatsoever, a lease is found to comprise lands included in one of prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under this Act, the lease first mentioned shall be void in so far as it interferes with any such previous lease, sale, grant or setting apart. S. 52.

FURTHER OBLIGATIONS OF PARTIES OBTAINING LICENSES.

Dues to the Crown to bear interest and be a lien on timber cut on limits. Such timb r may be seized and sold in payment.

54. Any ground-rent, royalty or other dues to the Crown, on timber cut within any such limit, which are not paid at the time when they become due and payable, shall bear interest at the rate of six per cent. per annum, until paid, and shall be a lien on any timber cut within such limits. And whenever the ground-rent on any limit, or any royalty on any timber is not paid within three months after it becomes due under the lease or regulations in that behalf, the Crown Timber Agent may, with the sanction of the Minister of the Interior, seize so much of the timber cut on such limits, and in the possession of the lessee or on his premises, whether sold or unsold, as will in his opinion be sufficient to secure the payment of such rent and royalty on the timber seized, and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof;

and if such payment be not made within three months after such seizure, the Crown Timber Agent may, with such sanction as aforesaid, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance, if any, to the lessee or owner of the timber. S. 53.

Timber cut under lease liable for dues.

55. All timber cut under lease shall be liable for the payment of the Crown dues thereon, so long as and wheresoever the said timber or any part of it may be found (whether it be or be not manufactured into deals, boards or any other products); and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever they are found until the dues thereon are paid or secured, and if payment be not made or secured within three months after such seizure, the timber may be sold by the Crown Agent, and the proceeds disposed of as provided by the next preceding section. S. 54.

Enforcement of payment in case of removal of timber out of Canada.

56. And in case the payment of the Crown dues on any timber has been evaded by any lessee or other party, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded, and any expenses incurred by such officer or the Government in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on Dominion lands by the same lessee or by his authority, and be levied and collected or secured, on such timber, together with such last-mentioned dues, in the manner provided by section *fifty-four*; or the amount due to the Crown, of which payment has been evaded, may be recovered by action at law, in the name of the Minister of the Interior or his resident Agent, in any Court having jurisdiction in civil cases to the amount. S. 55.

Bonds may be taken for dues, without prejudice to lien.

57. The Minister of the Interior may, in his discretion, take or authorize the taking of bonds or promissory notes for any money due to the Crown, interest and costs, as aforesaid, or for double the amount of all dues, fines and penalties and costs, incurred or to be incurred, and may then release any timber upon which the same would be leviable, whether under seizure or not; but the taking of such bonds or notes shall not affect the lien and right of the Crown to enforce payment of such money on any other timber cut on the same limit, if the sums for which such bonds or notes are given are not paid when due. S. 56.

LIABILITY OF PERSONS CUTTING WITHOUT AUTHORITY.

Penalty for cutting timber without authority on Dominion Lands.

58. If any person without authority cuts, or employs or induces any other person to cut or assist in cutting, any timber of any kind, on any Dominion lands wheresoever situate, or removes or carries away, or employs or induces, or assists any other person to remove or carry away any timber of any kind, so cut from any Dominion lands as aforesaid, he shall not acquire any right to the timber so cut,

or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown Timber Officers, or it is otherwise found impossible to seize the same, he shall, in addition to the loss of his labour and disbursements, forfeit a sum not exceeding three dollars for each tree, which, or any part of which he is proved to have cut or carried away; and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any Court having jurisdiction in civil matters to the amount of the penalty,—and in all such cases the burden of proof of his authority to cut and take the timber shall lie on the party charged, and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary.

Seizure on affidavit.

1. Whenever satisfactory information, supported by affidavit made before a Justice of the Peace, or before any other competent officer or person, is received by any Crown Timber Officer or Agent, that any timber has been cut without authority on Dominion Lands, and describing where the same can be found,—or if any Crown Timber Officer or Agent, from other sources of information, or his own knowledge, is aware that any timber has been cut without authority on such lands, the said agent, or officer, or either of them, may seize or cause to be seized in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until a decision can be had in the matter by competent authority;

If the timber has been mixed with other timber:

2. And where the timber so reported or known to have been cut without authority, has been made up with other timber into a crib, dram, or raft, or in any other manner has been so mixed up at any mill or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority from other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until satisfactorily separated by the holder.

Timber may be released on security given.

3. In case any timber cut without authority on Dominion lands, or any prodnct thereof, is seized under the provisions of this Act, by any Crown Timber Agent or Officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise, to his satisfaction for the full value thereof, or for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon, as the case may be. S. 57.

RESISTING SEIZURE—REMOVING TIMBER SEIZED—CONDEMNATION OF SUCH TIMBER.

Officer seizing may call in assistance.

59. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown,

call in any assistance necessary for securing and protecting the timber so seized; and if any person under any pretence, either by assault, force or violence, or by threat of such force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under this Act, such person shall be guilty of felony, and being convicted thereof, shall be punishable accordingly. S. 58.

Carrying away timber seized, without permission, a felony.

60. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken and carried away without permission of the officer or person who seized the same or of some competent authority, any timber seized and detained for any lawful cause under this Act, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, being the property of the Crown, and to be guilty of felony, and being convicted thereof, shall be punishable accordingly. S. 59.

Timber seized as forfeited shall be deemed to be condemned in default of owner claiming it within one month.

61. All timber seized under this Act on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown Timber Agent or Officer, under whose authority the seizure was made, that he claims or intends to claim the same; pending which the Officer or Agent seizing shall report the facts to the Minister of the Interior, who may order the sale of the said timber, by the said Officer or Agent, after a notice on the spot, or at the residence or office of the person from whom it was seized, of at least thirty days; or if, within fifteen days after the claim has been put in, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure; or if the decision of the court be against him; or should the claimant fail duly to prosecute such proceedings in the opinion of the Judge before whom such case may be tried (and who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted, anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and sold for the benefit of the Crown, by order of the Minister of the Interior, after a notice on the spot of at least thirty days: Proviso. Provided, nevertheless, that in certain cases of timber being ascertained to have been cut without authority on any of the Dominion lands, or admitted to have been so cut by the holder thereof, the Minister of the Interior, should he see cause for doing so, may impose and receive for the Crown a fine or penalty, to be levied on such timber, in addition to all costs incurred, and in default of such fine or penalty and costs being paid forthwith, may sell such timber by public sale after a notice of fifteen days, and may retain the whole proceeds of such sale, or the amount of the penalty and costs only, at the discretion of the Minister of the Interior. S. 60, and 39 V., c. 19, s. 19.

Minister may impose and receive a penalty in addition in certain cases.

GENERAL PROVISIONS.

In absence of satisfactory explanation timber may be seized for dues as cut without authority.

62. Whenever any Crown Timber Agent, or other Officer or Agent of the Minister of the Interior is in doubt as to whether any timber has, or has not, been cut without authority, or is, or is not, liable to Crown dues on the whole or any part thereof, he may enquire of the person or persons in possession or in charge of such timber, as to when and where the same was cut: and if no satisfactory explanation, on oath or otherwise, as he may require, be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Minister of the Interior, or of such Crown Timber Agent or Officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof be not made within thirty days after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid according to the circumstances of the case, and the dues thereon may be recovered as provided in the *fifty-sixth* section. S. 61.

The burden of proof where timber was cut, or of payment of dues, to lie on the owner or claimant.

63. And whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the Dominion lands aforesaid, the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same, or the party bringing such prosecution. S. 62.

SLIDES, &c.

Right to slides, &c., not to be affected by sales or grants of land unless expressly mentioned.

64. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, pier or boom, or other work, for the purpose of facilitating the descent of timber or saw-logs, previously constructed on such land, or on any stream passing through or along such land, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier or boom, or other work, is intended to be thereby sold or granted.

Free use of slides not affected.

1. The free use of slides, dams, piers, booms or other works on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed by or in virtue of any sale or grant of Dominion lands made subsequent to the construction of such works. S. 63.

Free use of streams and lakes not affected.

65. The free use, for the floating of saw-logs and other timber rafts and drams, of all streams and lakes that may be necessary for the descent of timber from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or along the land on either side

thereof, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads, other than road allowances, as owing to natural obstacles, may be necessary for the taking out timber or saw-logs from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected or obstructed by, or in virtue of, any sale or grant of such lands S. 64.

FOREST TREE CULTURE.

Entry for tree planting.

66. Any person, male or female, being a subject of Her Majesty by birth or naturalization, and having attained the age of eighteen years, shall be entitled to be entered for one legal sub-division, not in any case, however, exceeding one hundred and sixty acres, of unappropriated Dominion lands as a claim for forest tree planting. 39 V., c. 19, s. 20 *Amended Sec. D.*

Amendment, see D.

Form of application; affidavit and fee.

67. Application for such entry shall be made in Form F in the schedule hereto, and the person so applying shall make an affidavit before the local agent according to Form G in the schedule hereto, and shall pay at the time of applying an office fee of ten dollars, in case such legal sub-division is one of one hundred and sixty acres, or of five dollars, in case such legal sub-division is one of eighty acres, or of two and a-half dollars, in case such legal sub-division is one of forty acres, for which fee he or she shall receive a receipt and also a certificate of entry, and shall thereupon be entitled to enter into possession of the land. 39 V., c. 19, s. 21 E.

Amendment, see E.

When only patent may issue.

68. No patent shall issue for the land so entered until the expiration of eight years from the date of entering into possession thereof, and any assignment of such land shall be null and void unless permission to make the same shall have been previously obtained from the Minister of the Interior. 39 V., c. 19, s. 22, amended sec. F.

Amendment, see F.

Patent after six years on certain conditions

69. At the expiration of eight years or at any time within five years after the expiration of the said term, as hereinafter provided, the person who obtained the entry, or, if not living, his or her legal representative or assigns, shall receive a patent for the land so entered on proof to the satisfaction of the local agent as follows :—

Amendments in this Section, see G.

Five acres to be broken up.

1. That five acres of the land so entered, in case the same consists of a legal sub-division of one hundred and sixty acres, shall be broken or ploughed the first year after entry, and an equal quantity during the second year after entry.

And planted.

2. That the five acres of the land entered, which have been broken or ploughed during the first year, shall be cultivated to crop during the second year, and the five acres broken or ploughed during the second year shall be cultivated to crop during the third year.

Cultivating the timber.

3. That the five acres broken or ploughed during the first year, and cultivated to crop during the second year as above provided, shall be planted in trees, tree-seeds or cuttings during the third year, and the five acres broken or ploughed during the second year, and cultivated to crop during the third year as above provided, shall be planted in trees, tree-seeds or cuttings during the fourth year:

Proviso.

Provided that in cases where the land entered consists of a legal sub-division less than one hundred and sixty acres, then the respective areas requiring to be broken or ploughed cultivated to crop, and planted, under this sub-section and the two sub-sections next preceding, shall be proportionately less in extent:

Proviso.

Provided also, that the Minister of the Interior, in his discretion, and on his being satisfied that any trees, tree-seeds, or cuttings, may have been destroyed from any cause not within the control of the person holding the tree-claim, may grant an extension of time for carrying out the provisions of the three sub-sections next preceding:

Proviso.

Provided also, that at the expiration of the said term of eight years, or at any time within five years thereafter, the person obtaining such tree-claim, on proving to the satisfaction of the Minister of the Interior that he or she has planted not less than two thousand seven hundred trees on each acre of the portion broken or ploughed and cultivated to crop as hereinbefore provided, and that at the time of applying for a patent for the tree-claim, there are then growing thereon at least six hundred and seventy-five living and thrifty trees to each acre, the claimant shall receive a patent for the legal sub-division entered. 39 V. c. 19, s. 23, *amended*

Forfeiture for non-compliance with conditions.

70. If at any time the claimant fails to do the breaking up or planting or either, as required by this Act, or any part thereof, or fails to cultivate, protect and keep in good condition, such timber, then and upon such event the land entered shall be liable to forfeiture in the discretion of the Minister of the Interior, and may be dealt with in the same manner as homesteads which may have been cancelled for non-compliance with the law as set forth in sub-section *sixteen* of section thirty-three of this Act. 39 V., c. 19, s. 24.

Proviso: who may not obtain land for planting.

Option of changing pre-emption entry.

71. Provided that no person who may have obtained pre-emption entry of a quarter-section of land in addition to his homestead entry under the provisions of sub-section *one*, of section *thirty-four* of this Act, shall have the right to enter a third quarter-section as a tree planting claim; but such person, if resident upon his homestead, may have the option of changing the pre-emption entry of the quarter-section, or of a less quantity of such quarter-section, for one under the foregoing provisions, and on fulfilling the preliminary conditions as to affidavit and fee, may receive a certificate for such quarter section, or for such quantity thereof as may have been embraced in the application; and thereupon the land included in such change of entry shall become subject in all respects to the provisions of this Act relating to tree planting. 39 V., c. 19, s. 25.

Rights of persons entered for tree planting.

72. Any person who may have been entered for a tree planting claim under the foregoing provisions, and whose right may not have been forfeited for non-compliance with the conditions thereof, shall have the same rights of possession, and to eject trespassers from the land entered by him, as are given to persons on homesteads under sub-section *seventeen* of section *thirty-three* of this Act, and the title to land entered for a tree planting claim shall remain in the Government until the issue of a patent therefor, and such land shall not be liable to be taken in execution before the issue of the patent. 39 V., c. 19, s. 26.

And under former Act. *New.*

73. Persons who may have been entered under the provisions of the Act 39 Victoria, chapter 19, for land as a claim for tree-planting, may, if they choose to do so, avail themselves of the provisions of this Act in that behalf.

PATENTS.

Deputy Governor for signing patents.

74. A Deputy Governor may be appointed by the Governor General, who shall have the power in the absence or under instructions of the Governor General, to sign letters patent of Dominion lands; and the signature of such Deputy Governor to such patents, shall have the same force and virtue as if such patents were signed by the Governor General. S. 65.

Patent issued in error may be cancelled.

75. Whenever a patent has been issued to or in the name of a wrong party or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister of the Interior may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead, which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent. S. 66.

Remedy in cases of sales or patents inconsistent with each other.

76. In all cases in which grants or letters patent have issued for the same land, inconsistent with each other, through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the Minister of the Interior may order a new grant equivalent in value to the land of which any grantee or purchaser is thereby deprived, at the time the same was granted; or may, in cases of sale, cause repayment to be made of the purchase-money with interest; or when the land has passed from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a free grant, the Minister of the Interior may assign land or grant a certificate entitling the party to purchase Dominion lands of such value as to him, the Minister of the Interior, may seem just and equitable under the circumstances; but no claim under this clause shall be entertained unless it is preferred within five years after the discovery of the error. S. 67.

Remedy in case of deficiency of quantity mentioned in patent.

77 Whenever by reason of false survey, or error in the books or plans of the Dominion Lands Office, any grant, sale or appropriation of land is found to be deficient, the Minister of the Interior may order a free grant equal in value to the ascertained deficiency at the time such land was granted or sold; or in case any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Minister of the Interior may order the purchase-money of so much land as is deficient, with interest thereon at the rate of six per centum per annum, from the time of the application therefor, to be paid back to the purchaser; or if the land has passed from the original purchaser, then the purchase-money which the claimant (provided he was ignorant of the deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon, from the time of the application therefor, to be paid to him in land or in money, as he, the Minister of the Interior, may direct: or, in case of a free grant, he may order a grant of other land, equal in value to the land so intended as a free grant, at the time such grant was made; but no such claim shall be entertained unless application has been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted. S. 68.

Proviso.

Patents issued through fraud, or in error or improvidence may be decreed to be void.

78. In all cases wherein patents for lands have issued through fraud, or in error, or improvidence, any Court having competent jurisdiction in cases respecting real property in the Province or place where such lands are situate, may, upon action, bill or plaint respecting such lands and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Court shall order, decree such patent to be void; and upon the registry of such decree in the office of the Registrar-General of the Dominion, such patent shall be void to all intents. S. 69.

Remedy in case of refusal to deliver up possession of forfeited land or to vacate land wrongfully held.

79. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or whenever any person is wrongfully in possession of Dominion land, and refuses to vacate or abandon possession of the same, the Minister of the Interior may apply to a Judge of any Court having competent jurisdiction in cases respecting real property in the Province or place in which the land lies, for an order in the form of a writ of ejectment or of *habere facias possessionem*, and the said Judge, upon proof to his satisfaction that such land was so forfeited, and should properly revert to the Crown, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Minister of the Interior or person by him authorized to receive such possession; and such order shall have the same force as a writ of *habere facias possessionem*, and the Sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or petitory action. S. 70.

80. The Minister of the Interior shall keep a book for registering, at the option of the parties interested, any assignment of rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignment is in conformity with this Act; and every assignment so registered shall be valid against any other previously made but subsequently registered, or unregistered; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed, or dispensed with by the Minister of the Interior before the assignment is registered. S. 71.

Assignments of Dominion lands to be registered.

81. On any application for a patent by the heir, assignee, devisee or legal representative of a party dying entitled to such patent, the Minister of the Interior may receive proof of the facts in such manner as he may see fit to require, and upon being satisfied that the claim has been justly established may allow the same and cause a patent to be issued accordingly: but nothing in this section shall limit the right of the party claiming a patent to make his application as provided for in Section *twenty-six* of this Act. S. 72.

Patent may issue in favor of legal representative of party dying entitled thereto.

82. Every entry, receipt or certificate issued by an agent of Dominion Lands shall, unless such entry shall have been revoked or cancelled by the Minister of the Interior, entitle the person to whom the same was granted to maintain suits at law or in equity against any wrong doer or trespasser on the lands so entered, as effectually as he could do under a patent of such land from the Crown.

Entry receipt, etc., to give right to maintain suits. *New.*

SURVEYS AND SURVEYORS.

WHO SHALL BE COMPETENT TO SURVEY THE DOMINION LANDS.

83. No person shall act as surveyor of Dominion lands unless he shall, before the fourteenth day of April, 1872, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the Provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth.

Qualifications required of Dominion Land Surveyors.

1. Persons qualified under the said provisions shall be styled "*Dominion Land Surveyors*," or "*Dominion Geodetic Surveyors*," as the case may be. S. 73, and 37 V., c. 19, s. 22.

Official name.

BOARD OF EXAMINERS.

84. There shall be a Board of Examiners for the examination of candidates for commissions as Dominion Lands Surveyors, or as articled pupils, to consist of the Surveyor General and eight other competent persons to be appointed from time to time by Order in Council, and the meetings of the Board shall commence on the second Monday in the months of May and November in each year, and may be adjourned from time to time; and the place of meeting shall

To consist of Surveyor General and eight colleagues.

Meetings.

be at Ottawa, or at some place in Manitoba or the North-West Territories, as the same shall, from time to time, be fixed, and made public by notice in the *Canada Gazette*. 39 V. c. 19, s. 27.

Members to be sworn.

1. Each member of the said Board shall take an oath of office according to form C, to be administered by a judge of any one of the Superior Courts in any Province in the Dominion, who is hereby authorized and required to administer such oath; and any three of the said members shall form a quorum.

Secretary.

2. The said Board shall from time to time appoint a fit and proper person to be Secretary thereof, who shall keep a record of its proceedings. S. 74, and 39 V., c. 19, s. 27.

Examination for articles as pupils.

85. No person shall be admitted as an articled pupil with any Dominion Land Surveyor unless he has previously passed an examination before the Board of Examiners, or before one of the members thereof, or before some Surveyor deputed by the board for the purpose, as to his ability to write English correctly, and also as to his knowledge of vulgar and decimal fractions, the extraction of the square and cube roots, of the first three books of Euclid, the rules of plane trigonometry, the mensuration of superficies and use of logarithms, and has obtained a certificate of such examination and of his proficiency from such board. 39 V., c. 19, s. 28.

Notice to Secretary.

86. Applicants for such examination, previous to being articled, shall give notice to the secretary of the board of their desire to present themselves for examination; whereupon such officer shall instruct them accordingly as to the mode in which they must proceed. 39 V., c. 19, s. 29.

Transfer of a pupil.

87. Any Dominion Land Surveyor may by an instrument in writing transfer a pupil, with his own consent, to any other Dominion Land Surveyor, with whom such pupil may serve the remainder of his term. S. 80.

Completion of term with another master.

88. If any Dominion Land Surveyor dies or leaves the Dominion, or is suspended or dismissed, his pupil may complete his term under articles, as aforesaid, with any other Dominion Land Surveyor. S. 79.

Duplicate of articles of clerkship to be transmitted to Secretary within three months after their date.

89. Articled pupils must transmit to the secretary of the board within three months of the date of their articles, a duplicate thereof, together with a fee of two dollars for receiving and filing the same; and the said secretary shall acknowledge the receipt of such papers, and shall carefully file and keep the same with the records of the board. S. 78.

Conditions precedent to examination for commission.

90. No pupil shall be entitled to be examined before such board unless he shall have previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form D, duly executed

before two witnesses, as pupil to a Dominion Land Surveyor, engaged during the said period in the survey of Dominion Lands, nor unless he shall produce a certificate from such Surveyor of his having so served during the said period, and shall also produce satisfactory testimony as to his character for probity and sobriety. S. 76.

As to admission of persons commissioned as surveyors of Crown Lands in any Province on certain conditions.

91. Any person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, shall have been duly qualified by certificate, diploma or commission, to survey lands in any Province of the Dominion, in which, in order to be so qualified, a course of study, including the subjects prescribed by section is required by the law of such Province, shall be entitled to obtain, without being subjected to any examination other than as regards the system of survey of Dominion lands, a commission as Dominion Land Surveyor; Provided that it shall rest with the Board of Examiners to decide whether the qualifications required of a surveyor of Crown lands in such Province are sufficiently similar to those set forth in the said section of this Act, to entitle him, under the foregoing provisions, to such commission; And provided further, that it must be shown that such Province has reciprocated the privilege hereby granted, by granting to Dominion Land Surveyors, on their application, and without subjecting them to an examination except as regards a knowledge of the survey laws of such Province, diplomas, certificates or commissions, as the case may be, as Surveyors of lands within such Province.

Proviso: Board to judge of qualification in such Province.

Proviso for reciprocity of admission by such Province.

Land Surveyors holding diplomas, certificates or commissions for Provinces of the Dominion in which the qualifications required by law for Surveyors, are not similar to those prescribed by this Act, must undergo examination by the Board, and satisfactorily pass the same, in order to obtain commissions as Dominion Land Surveyors..

Examination in certain cases.

New section. See I for former provisions.

Surveyors in H. M. Dominions, other than Canada entitled to examination after six months' practice.

92. Any person who may have been duly admitted as a surveyor of lands in any part of Her Majesty's Dominions other than Canada, shall be entitled to an examination by the said board, and to a commission, if found qualified, on his producing a written certificate of a Dominion Land Surveyor, that such person has within the previous two years served for one year with him continuously engaged in surveying the Dominion lands, and that he considers such person as in every way qualified to pass an examination for a commission as a Dominion Land Surveyor. S. 81.

Graduates of Colleges may to examined after one year's service.

Amended. See J.

93. Any person who shall have followed a regular course of study in all the branches of education required by this Act for admission as a Dominion Land Surveyor through the regular sessions for at least two years, in any college or university where there may be organized a complete course of such instruction, and who has thereupon received from such college or university a certificate, diploma or degree, vouching therefor, shall not be obliged to serve three years as aforesaid, but shall be entitled to examination after one year's service under articles with a Dominion Land Surveyor

engaged during such period in surveying Dominion lands. S. 82.

Notice to Secretary.

94. Every person desiring to be examined before the said board shall give due notice thereof in writing to the secretary at least one month previous to the meeting of the board, enclosing with such notice the fee hereinafter prescribed. S. 83. *Amended, see J.*

Fee.

Examination for admission as Surveyor.

95. No person shall receive a commission from the said board authorizing him to practise as a Dominion Land Surveyor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the said board on the following subjects: that is to say:—Euclid, first four books, and propositions first to twenty-first of the sixth book; plane trigonometry, so far as it includes solution of triangles; the use of logarithms, mensuration of superficies, including the calculation of the area of right-lined figures by latitude and departure, and the dividing or laying off land; a knowledge of the rules for the solution of spherical triangles, and of their use in the application to surveying of the following elementary problems of practical astronomy:—

In Mathematics.

In practical astronomy.

1. To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star;

2. To obtain the local time and the azimuth, from an observed altitude of the sun or a star;

3. From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter.

Surveying operations and use of instruments.

He must be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments, and must also be perfectly conversant with the system of survey as embodied in the "*Dominion Lands Acts*," and with the manual of standing instructions and regulations published from time to time for the guidance of Dominion Land Surveyors. 39 V., c. 19, s. 30.

System of Dominion Surveys.

Board may examine on oath.

96. The board may examine any candidate on oath (which oath may be administered by any one of the Examiners) as to his actual practice in the field, and with regard to his instruments. S. 86.

Successful candidates to receive commission; and give security and take oath of office.

97. Each person passing the examination prescribed by this Act shall receive a commission from the board in accordance with Form E in the schedule to this Act constituting him a Dominion Land Surveyor, and shall, jointly and severally with two sufficient sureties to the satisfaction of the board, enter into a bond in the sum of one thousand dollars, to Her Majesty, Her Heirs and Successors, conditioned

for the due and faithful performance of the duties of his office, and shall take and subscribe the oath of allegiance, and the following oath, before the Board of Examiners, any one of whom is hereby empowered to administer the same :—

"I, , do solemnly swear (*or* affirm, *as the case may be*) that I will faithfully discharge the duties of a Dominion Land Surveyor according to law, without favor affection or partiality. So help me God." The oath.

1. Until the above formalities shall have been gone through the said commission of Dominion Land Surveyor shall have no effect.

2. The said oaths of allegiance and of office shall be deposited in the Dominion Lands Office.

3. The said bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of the Dominion, and shall be subject to the same provisions, and shall enure to the benefit of any party sustaining damage by breach of any condition thereof; and the commission shall be registered in the office of the Registrar-General of the Dominion. S. 87. Deposit of bond.

98. Any person entitled to receive or already possessing a commission as Dominion Land Surveyor and having previously given the notice prescribed in section of this Act, may be examined as to the knowledge he may possess of the following subjects relating to the higher surveying, qualifying him for the prosecution of extensive governing or topographic surveys or those of geographic exploration, that is to say :— Voluntary examination in higher branches of study. *Amendments. See K.*

1. Algebra, including quadratic equations, series, and calculation of logarithms;

2. The analytic deduction of formulas of plane and spherical trigonometry;

3. The plane co-ordinate geometry of the point, straight line the circle and ellipse, transformation of co-ordinates, and the determination either geometrically or analytically of the radius of curvature at any point in an ellipse;

4. Projections,—the theory of those usually employed in the delineation of spheric surface;

5. Method of trigonometric surveying, of observing the angles and calculating the sides of large triangles on the earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, having a regard to the effect of the figure of the earth;

Practical astronomy.

6. The portion of the theory of practical astronomy relating to the determination of the geographic position of points on the earth's surface, and the directions of lines on the same, that is to say :—

Methods of determining latitude—
a. By circum-meridian altitudes.
b. By differences of meridional zenith distance (Talcott's method).
c. By transits across prime vertical;
Determination of azimuth—
a. By extra meridional observations,
b. By meridian transits;
Determination of time—
a. By equal altitudes,
b. By meridian transits;
Determination of differences of longitude—
a. By electric telegraph,
b. By moon culminations;

Theory of instruments.

7. The theory of the instruments used in connection with the foregoing, that is to say :—The sextant or reflecting circle, altitude and azimuth instrument, astronomic transit, zenith telescope and the management of chronometers ; also of the ordinary meteorological instruments, barometer, mercury and aneroid, thermometers, ordinary and self-registering,

And their use.

anemometer, and rain gauges,—and on their knowledge of the use of the same ;

Mineralogy and geology.

8. Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and

Geology of N. America

conditions of occurrence ; the ores of the common metals and the classification of rocks ; and the geology of North America so far as to be able to give an intelligent outline of the leading geological features of the Dominion. 39 V., c. 19, s. 31.

Designation of those who pass the higher examination.

99. Gentlemen who pass the above mentioned examination in the higher branches of surveying, shall have the fact certified by the Board, and shall be designated Dominion Geodetic Surveyors. 39 V., c. 19, s. 32. *Amended, see* L.

Tariff of fees.

100. The following fees shall be paid under the provisions of this Act :—

Amendments. See M.

1. To the secretary of the board, by each pupil, on giving notice of his desire for examination preliminary to being articled, one dollar ;

2. To the secretary of the board, as the fee due on such examination, ten dollars, and a further sum of two dollars for certificate ;

3. To the secretary of the board, by each pupil, at the time of transmitting to such secretary the indentures or articles of such pupil, two dollars ;

4. To the secretary of the board, by each candidate for either the ordinary or the higher examination for a commission, with his notice thereof, two dollars;

5. To the secretary of the board, by each applicant obtaining a commission, as his fee thereon, two dollars;

6. To the secretary of the board, as an admission fee by any candidate receiving a commission, twenty dollars, which sum shall also cover the certificate by the board in the case of a candidate passing the higher examination; but such amount, as also the ten dollars required to be paid under sub-section two of this section, shall be paid to the Receiver-General to the credit of Dominion Lands. 39 V., c. 19, s. 33.

Allowances to members of the Board of Examiners.

101. Each of the members in attendance at the said board during examinations and the secretary shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance; and the Minister of the Interior is hereby authorized and required to pay such sums: Provided, that no member of the board, if at the time of the meeting he be over one hundred miles distant from the place of meeting, shall receive any allowance for being present at such meeting, unless such member shall have been previously specially notified to attend the same by the secretary; and in the case of the examination of a pupil previous to being articled, by a member of the board, or by a surveyor deputed by the board for such purpose, such member or such surveyor shall be paid five dollars for such examination. S. 85, and 39 V., c. 19, s. 34.

For special examination of a pupil.

Board may suspend or dismiss negligent or corrupt surveyor.

Amendments, see N.

102. The said board may, in their discretion, suspend or dismiss from the practice of his profession any Dominion Land Surveyor whom they may find guilty of gross negligence or corruption in the execution of the duties of his office; but the board shall not suspend or dismiss such Dominion Land Surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered both in support of the complaint, and on behalf of such Surveyor. S. 88—*amended.*

STANDARD OF MEASURE.

Standard of English measure of length.

Copies to be procured by D. L. Surveyors.

103. The measure of length used in the surveys of Dominion lands, shall be the English measure of length, and every Dominion Land Surveyor shall be in possession of a subsidiary standard thereof, which subsidiary standard tested and stamped as correct by the Department of Inland Revenue, shall be furnished him by the said Department, on payment of a fee of three dollars therefor; and all Dominion Land Surveyors shall from time to time regulate and verify by such standard the length of their chains and other instruments for measuring. S. 89.

HOW TO RENEW LOST CORNERS AND OBLITERATED LINES.

Provision in case where the original mound, post or monument cannot be found.

104. In all cases when any Dominion Land Surveyor is employed to run any dividing line or limit between sections, or other legal subdivisions, or wood lots, and the mound, post or monument, erected, marked or planted in the original survey to define the corner of such section, or other legal subdivisions, or wood lot, cannot be found, he shall obtain the best evidence that the nature of the case may admit of respecting such corner mound, post or monument; but if the same cannot be satisfactorily ascertained, then he shall measure the true distance between the nearest undisputed corner mounds, posts or monuments and divide such distance into such number of sections or other legal subdivisions, or wood lots (as the case may be) as the same contained in the original survey, giving to each a breadth proportionate to that intended in such original survey, as shewn on the plan and field notes thereof of record in the Dominion Lands Office; and if any portion of the township or section line (as the case may be) on which such corner mound, post or monument was or should have been planted in the original survey, should be obliterated and lost, then the Surveyor shall renew such township or section line (as the case may be) and shall draw and define the same on the ground, in such manner as to leave each and every of the adjoining sections or other legal subdivisions (as the case may be) of a width and depth proportionate to that severally returned for such section or legal subdivision in the original survey, and shall erect, plant or place such intermediate mounds, posts or monuments as he may be required to erect, plant or place, in the line so ascertained, having due respect to any allowance for a road or roads, and the corner, or division, or limit so found shall be the true corner, or division or limit of such section or other legal subdivision, or wood lot. S. 90.

HOW LEGAL SUBDIVISIONS ARE TO BE SURVEYED AND LAID OUT.

Method of proceeding Dominion Land Surveyor in laying out a half-section or quarter section.

105. In all cases when a Dominion Land Surveyor is employed to lay out a given half-section or quarter-section, he shall effect the same by connecting the opposite original quarter-section corners (should the same be existing, or if the same be not existing, by connecting the several points in lieu thereof found in accordance with the preceding clause) by straight lines; and in laying out other and minor legal subdivisions, in any quarter-section, or any wood lot, he shall give such legal subdivision or wood lot, as the case may be, its proportionate share of the frontage and interior breadth of such quarter-section, and connect the points so found by a straight line; and the lines or limits so drawn as above on the ground, shall in the respective cases be the true lines or limits of such half-section or quarter-section, or other legal subdivision, or wood lot, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands. S. 91.

TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

106. The dividing lines or limits between legal subdivisions or wood lots in fractional sections shall be drawn from the original corners (or the points representing such corners, as defined on the ground in accordance with the provisions of this Act,) in the section line intended as the front of such subdivision or wood lot, at right angles to such section line. S. 92.

Dividing lines to be drawn from original corners.

ORIGINAL BOUNDARY LINES.

107. All boundary lines of townships, sections or legal subdivisions, towns or villages, and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, and all mounds, posts or monuments, run and marked, erected, placed or planted at the angles of any townships, towns, villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, under the authority of this Act or of any order of the Governor in Council, shall be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land respectively, whether the same upon admeasurement be, or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land. S. 93.

Boundaries placed under this Act are to be deemed the true ones.

108. Every township, section or other legal subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively, so erected, marked, placed, or planted as aforesaid, at the several angles thereof, and no more or less, any quantity or measure expressed in the original grant or patent thereof notwithstanding. S. 94.

Townships and other legal subdivisions to comprise all the space within their boundaries.

109. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other legal subdivision, block gore, common, lot or parcel of land, shall be construed to be a part of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed in such patent, grant, or instrument. S. 95.

As to aliquot parts of townships, &c.

110. In every town and village in Manitoba or the North-West Territories, which may be surveyed and laid out under the provisions of this Act, all allowances for any road, street, lane, lot or common, laid out in the original survey of such town or village, shall be public highways and commons; and all mounds, posts or monuments, placed or planted in the original survey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot or common; and all Dominion Land Sur-

Road allowances in towns, &c., to be public highways.

veyors employed to make surveys in such town or village, shall follow and pursue the same rules and regulations in respect of such surveys, as are by law required of them when employed to make surveys in townships. S. 96.

D. L Surveyors may examine witnesses on oath.

111. For better ascertaining the original corner or limits of any township, section, or other legal subdivision, lot or tract of land, every Dominion Land Surveyor acting in that capacity, may administer an oath or oaths to each and every person whom he may examine concerning any corner mound, post, monument or other boundary, or any original land-mark, line, limit or angle, of any township, section or other legal subdivision, lot or tract of land which such Dominion Land Surveyor is employed to survey. S. 97.

EVIDENCE BEFORE SURVEYORS.

How D L. Surveyors shall proceed to ascertain boundaries when doubtful.

112. When any Dominion Land Surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, then if such person does not willingly appear before, and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, such Surveyor may apply to any Justice of the Peace for an ordinary *Subpœna* as witness, or a *Subpœna duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such Justice of the Peace, of the facts on which the application is founded, and such Justice may issue a *Subpœna* accordingly, commanding such person to appear before the Surveyor at a time and place to be mentioned in the *Subpœna*, and (if the case require it) to bring with him any writing, plan or document mentioned or referred to therein.

Subpœna may be issued

How served.

1. Such *Subpœna* shall be served on the person named therein by delivering a copy thereof to him or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original.

Penalty for disobeying it.

2. If the person commanded to appear by such *Subpœna* after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the *Subpœna*, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, a warrant by the Justice for the arrest of such person may be issued, and he may be punished accordingly by fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of such Justice. S. 98.

113. All evidence taken by any Dominion Land Surveyor as aforesaid shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person, or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as also the Dominion Land Surveyor, and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by any Dominion Land Surveyor, with reference to any survey by him performed, may be filed and kept at the Registry Office of the place in which the lands to which the same relates are situate, subject to be produced thereafter in evidence in Court S. 99.

Evidence taken by D.L. Surveyors to be reduced to writing and signed.

114. Any Dominion Land Surveyor when engaged in the performance of his duties as such, may pass over, measure along, and ascertain the bearings of any township or section line, or other Government line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person. S. 100.

Power to enter upon private lands.

PROTECTION TO SURVEYORS.

115. If any person in any part of the Dominion lands interrupts, molests or hinders any Dominion Land Surveyor, while in the discharge of his duty as a Surveyor, such person shall be guilty of a misdemeanor, and being thereof lawfully convicted in any Court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such Court, such imprisonment being for a period not exceeding two months, and such fine not exceeding twenty dollars, without prejudice to any civil remedy which such Dominion Land Surveyor or any other party may have against such offender for damages occasioned by such offence. S. 101.

Penalty for molesting D. L. Surveyor in discharge of his duty.

116. If any person knowingly and wilfully pulls down, defaces, alters, or removes any mound, post or monument erected, planted or placed in any original survey under the provisions of this Act, or under the authority of any Order in Council, such person shall be deemed guilty of felony; and if any person knowingly and wilfully defaces, alters, or removes any other mound or land-mark, post or monument placed by any Dominion Land Surveyor to mark any limit, boundary or angle of any township, section or other legal sub-division, lot or parcel of land in Manitoba, or the North-West Territories, such person shall be deemed guilty of a misdemeanor; and being convicted thereof before any competent Court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such Court, such fine not to exceed one hundred dollars, and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages occasioned by reason of such offence: Provided that nothing in this Act shall extend to prevent Dominion Land Surveyors, in their operations, from taking up posts or other boundary marks

Penalty for pulling down or destroying land marks placed by D. L. Surveyor.

Proviso, as to examaning posts.

when necessary, after which they shall carefully replace them as they were before. S. 102.

Deputy Surveyors to keep journals and field notes, and furnish copies to parties concerned.

117. Every Dominion Land Surveyor shall keep exact and regular journals and field notes of all his surveys of Dominion lands, and file them in the order of time in which the surveys shall have been performed, and shall give copies thereof to the parties concerned when so required, for which he is hereby allowed the sum of one dollar for each copy, if the number of words therein do not exceed four hundred; but if the number of words therein exceed four hundred, he is allowed ten cents additional for every hundred words over and above four hundred words. S. 103.

Allowance to Deputy Surveyor for attendance as a witness.

118. There shall be allowed to every Dominion Land Surveyor summoned to attend any Court, civil or criminal, for the purpose of giving evidence in his professional capacity as a Surveyor, for each day he so attends (in addition to his reasonable travelling and living expenses), and to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such Court, five dollars. S. 104.

ASSIGNMENTS.

Surveyor General to keep a register of assignments.

119. The Surveyor-General shall keep a book for registering, at the option of the parties interested, the particulars of any assignment made, as well by the original nominee, purchaser, or locatee or lessee of Dominion lands, or his heir or legal representative, as by any subsequent assignee, and upon such assignment being produced with the affidavit of due execution thereof, and of the time and place of such execution, and the names, residences and occupations of the witnesses, the said Surveyor-General shall cause the material particulars of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a certificate of such registration, and every such assignment so registered shall be valid against any one previously executed, and subsequently registered or unregistered, but all assignments to be registered must be unconditional, and all the conditions of sale, grant or location, must have been complied with, or if dispensed with, then so dispensed with by the Minister of the Interior, before such registration is made. 37 V., c. 19, s. 16.

If any subscribing witness cannot be found.

120. If any subscribing witness to any such assignment is deceased or cannot be found, the said Surveyor-General may register such assignment on the production of an affidavit proving the death or the absence of such witness and the hand-writing of the party making such assignment. 37 V., c. 19, s. 17.

TARIFF OF FEES.

Fees for documents furnished from Surveyor General's office.

121. The Governor in Council may establish a tariff of fees to be charged for all copies of maps, township plans, field notes and other records; also for registering assignments; and all fees received under such tariff shall be

accounted for by the Surveyor-General, and shall form part of the revenue from Dominion lands. 37 V., c. 19, s. 21.

TOWNSHIP PLANS AND PATENT LISTS.

Surveyor General to transmit certain information to registrars of counties.

122. The Surveyor-General shall transmit to the Registrar of every county, and registration district, and division in Manitoba and the North-West Territories, a copy of the plan of each township or parish within such county, district or division which has been previously surveyed, and the survey of which has been confirmed, and shall also at the same time transmit a list of all Dominion lands, within such county, district or division, for which patents may have previously issued; and further, shall, as early as possible in each year thereafter, transmit to such Registrar a copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a list of the lands in such county, district or division, patented during such year. All of such copies of plans, maps and lists of lands patented, shall be certified by the Surveyor-General. 37 V., c. 19, s. 18.

Certified plans.

LAND SCRIP.

Certain Orders in Council authorizing the issue of scrip for land rights confirmed.

123. Whereas by the fifth sub-section of the thirty-second section of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, it is provided that the rights of common and of cutting hay held and enjoyed by the settlers in the Province of Manitoba, may be commuted by grants of land from the Crown; and whereas the method of commuting the said rights by an issue of scrip redeemable only in land, is most convenient and expedient; and whereas it is also expedient to affirm the principle that rights to Dominion land may be satisfied by an issue of scrip; therefore, the Orders of the Governor in Council, dated respectively the sixth day of September, and the seventeenth day of April 1873, providing for the issue of scrip in commutation of the rights of common and of cutting hay in Manitoba, are hereby confirmed. 37 V., c. 19, s. 19.

Further authority to issue scrip.

124. The Governor in Council may, if deemed by him expedient, satisfy any claim which may hereafter arise to grants of Dominion lands, by an issue of scrip redeemable only by its receipt in payment for such land. 37 V., c. 19, s. 20

GENERAL PROVISIONS.

Governor in Council may withdraw Indian Reserves and half-breed lands from the operation of this Act, and may alter price of lands and terms of sale and settlement thereof.

125. The following powers are hereby delegated to the Governor in Council:—

a. To withdraw from the operation of the said Act, subject to their existing rights as defined or created under the same, such lands as have been reserved for Indians, or such as may be required to satisfy the half-breed claims created under section thirty-one of the Act thirty-three Victoria, chapter three.

b. To reserve from general sale and settlement Dominion lands to such extent as may be required to aid in the con-

struction of railways in Manitoba or in the Territories owned by the Dominion, and to provide for the disposal of such lands, notwithstanding anything contained in the said Act, in such manner and on such terms as may be deemed expedient.

c. To encourage works undertaken with a view of draining and reclaiming swamp lands by granting to the promoters of such works remuneration in the way of grants of such portions of the lands so reclaimed as may be deemed fair and reasonable.

d. To grant land—in no case, however, to exceed in extent one thousand acres—to any person or persons who will establish and keep in operation thereon for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, adapted for thirty pupils, with the approval and to the satisfaction of the Minister of the Interior.

This Section is substituted for S. 105 of 35 V. c. 23, *see* Q

e. To satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba, on the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions, as may be deemed expedient.

f. To investigate and adjust claims preferred to Dominion land situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, eighteen hundred and seventy, and to grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to, and, being by themselves or their servants, tenants or agents, or those through whom they claim, in actual peaceable possession thereof at the said date, so much land in connection with and in satisfaction of such claims, as may be considered fair and reasonable.

g. To make such orders as may be deemed necessary from time to time to carry out the provisions of the said Act according to their true intent, or to meet any cases which may arise and for which no provision is made in the said Act; and further to make and declare any regulations which may be considered necessary to give the provisions in this section contained full effect; and from time to time to alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead; and such orders or regulations shall be published in the *Canada Gazette* and in such newspapers as the Minister of the Interior may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof.

Affidavits, &c, before whom to be made.

126. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits, or any Dominion Lands Agent or Officer, or any person specially authorized to take such affidavits by the Minister of the Interior. S. 106.

127. In any case where an affidavit or oath is required by this Act, a solemn affirmation may be administered and made instead of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath. S. 107.

Affirmation in lieu of oaths.

PREVIOUS ORDERS IN COUNCIL.

128. All proceedings properly taken under the respective Orders in Council, on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May, following the said date, are hereby confirmed, and the said respective Orders, except the provision therein respecting pre-emption rights, which is hereby repealed and done away with, (and except such of the provisions thereof as may be inconsistent with the provisions of this Act, and which are hereby revoked), shall be and remain in force: Provided that this enactment shall in no way affect the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-eight. 37 Vic., cap. 19, s. 12.

Proceedings under certain Orders in Council confirmed.

129. Subject to the provisions hereinafter made, the Act passed in the thirty-fifth year of Her Majesty's Reign and intituled "*An Act respecting the Public Lands of the Dominion*," and the Act passed in the thirty-seventh year of Her Majesty's Reign, and intituled "*An Act to amend the Dominion Lands Act*," and the Act passed in the thirty-ninth year of Her Majesty's Reign, and intituled "*An Act to amend the Dominion Lands Acts*," are hereby repealed, and this Act is substituted for them; Provided always, that all enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired or liabilities incurred under them or any of them shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under this Act, which shall not be construed as a new law, but as a consolidation and continuation of the said repealed Acts subject to the amendments hereby made and incorporated with them; and any thing heretofore done under any provision in any of the said repealed Acts which is repeated without alteration in this Act, may be alleged or referred to as having been done under the Act in which such provision was made, or under this Act.

Acts 35 V. c. 23.

37 V. c. 19.

39 V. c. 19, repealed.

Proviso: as to effect of such repeal.

SCHEDULE.

FORM A.—*See Section* 34.

APPLICATION FOR A HOMESTEAD RIGHT.

I, of do hereby apply to be entered, under the provisions of the "*Dominion Lands Act*, 1878," for quarter quarter sections, numbers

and forming part of section number of the Township of containing acres, for the purpose of securing a homestead right in respect thereof.

FORM B.—*See Section* 34, *Sub-section* 8.

AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD RIGHT.

I, A. B., do solemnly swear (*or* affirm as the case may be) that I am over eighteen years of age, that I have not previously obtained a homestead under the provisions of the *Dominion Lands Act*, that the land in question belongs to the class open for homestead entry ; that there is no person residing or having improvements thereon, and that the application is made for my exclusive use and benefit, with intention to reside upon and cultivate the said land. So help me God. 39 Vic., c. 19, s. 7.

FORM C.—*See Section* 84, *Sub-section* 1.

OATH OF MEMBERS OF BOARD OF EXAMINERS.

I, A. B., do solemnly swear (*or* affirm *as the case may be*), that I will faithfully discharge the duty of an Examiner of Candidates for Commissions as Dominion Land or Geodetic Surveyors, according to law, without favor, affection or partiality. So help me God.

FORM D.—*See Section* 90.

ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

THESE ARTICLES OF AGREEMENT, made the day of one thousand eight hundred and between A. B., of of Dominion Land Surveyor of the one part, and C. D., of and E F., son of the said C. D. of the other part, witness :—

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B. to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence next ensuing, and fully to be completed and ended.

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F. shall well, and faithfully, and diligently according to the best and utmost of his power serve the said A. B. as his

pupil in the practice or profession of a Dominion Land Suryeyor, which he the said A. B. now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years.

And that he the said E. F. shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A. B., his executors, administrators or assigns, or of any of his employers; and that in case the said E. F. shall act contrary to the last-mentioned covenant, or, if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehavior, neglect or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value thereof.

And further, that the said E. F. shall at all times keep the secrets of the said A. B. in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B. in all matters and things, and from time to time pay all moneys which he shall receive of or belonging to or by order of the said A. B. into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself trom the service or employ of the said A. B. at any time during the said term without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence, and with honesty and sobriety.

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he the said E. F. will truly, honestly and diligently serve the said A. B. at all times, for and during the said term, as a faithful pupil ought to do in all things whatsoever in the manner above specified.

In consideration whereof, and of of lawful money by the said C. D. to the said A. B., paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), the said A. B. for himself, his heirs, executors and administrators, doth covenant with the said C. D., his heirs, executors and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he the said A. B. will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed section of the "*Dominion Lands Act*, 1879," in practical surveying operations and in the use of instruments, and generally in the art, practice and profession of a Dominion Land Surveyor, which he the said A. B. now doth, and shall at

all times during the said term, use and practice, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, give to the said E. F., a certificate of servitude and use his best means and endeavours, at the request, cost and charges of the said C. D. and E. F., or either of them, to cause and procure him the said E. F. to be examined before the Board of Examiners of candidates for commissions as of Dominion Land Surveyors: Provided the said E. F. shall have well, faithfully and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them the said A. B. and C. D., doth bind himself, his heirs, executors and administrators, unto the other, his heirs, executors, administrators and assigns, in the penal sum of Five Hundred Dollars, firmly by these presents.

IN WITNESS WHEREOF the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

A. B. (Seal.)
C. D. (Seal.)
E. F. (Seal.)

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

G. H.
J. K.

FORM E.—*See Section* 97.

COMMISSION AS DOMINION LAND SURVEYOR.

This is to certify to all whom it may concern that A. B., of hath duly passed his examination before the Board of Examiners, and hath been found duly qualified to fill the office and perform the the duties of Dominion Land Surveyor, he having complied with all the requirements of the law in that behalf: Wherefore he the said A. B. is hereby duly admitted to the said office, and commissioned for the discharge of the duties thereof, and is by law authorized to practice as a Surveyor of Dominion lands.

In Witness whereof We, the President and Secretary of the said Board, have signed this Commission, at , on this day of , one thousand eight hundred and

C. D.,
Surveyor General.
E. F.,
Secretary.

FORM F.—*See Section* 67.

Application for land for forest tree culture.

I, A. B., do hereby apply to be entered under the provisions respecting forest tree culture of "*The Dominion Lands Act* 1879," for the Section in Township number , in the Range of the Meridian, for the purpose of cultivating forest trees thereon. 39 V., C. 19.

FORM G.—*See Section* 67.

Affidavit in support of claim for forest tree culture.

I, A. B., do solemnly swear, (*or* affirm, *as the case may be*,) that I am over eighteen years of age; that I have not previously obtained an entry of land for forest tree culture, the extent of which, added to that now applied for, will exceed in all one hundred and sixty acres; that the land now in question is open prairie and without timber, and is unoccupied and unclaimed, and belongs to the class open for entry for tree culture (*or, instead of the above, after the word* "question," *as the case may be, say*, consists of the quarter-section heretofore entered by me as a pre-emption right, under the provisions of sub-section one of section thirty-three of the "*Dominion Lands Act*,") and that the application is made for my exclusive benefit. So help me God. 39 V. C. 19.

No. 21.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend and consolidate the several Acts respecting the Public Lands of the Dominion.

Intended to be substituted for the Bill introduced under the same No., and received and read, first time, Monday, 4th March, 1879, and the second reading of which was appointed for Tuesday, 5th March, 1879.

SIR JOHN A. MACDONALD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 22.] **BILL.** [1879.

An Act to repeal the Insolvent Act of 1875, and to make provision in lieu thereof.

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

Who shall be deemed insolvent.

1. Any person shall be held to be insolvent—

1. Whose assets are insufficient to satisfy his liabilities in full;

2. Who being a trader ceases to meet his commercial engagements or to discharge his commercial liabilities as they become due;

To whom assignments may be made by insolvents, and their effect.

2. All assignments by an insolvent debtor for the benefit of his creditors shall be made to three of his largest creditors, residing or represented in the Province where he has his chief place of business, for the benefit of all the creditors, and shall be construed to pass in trust to them or any other person whom they may afterwards elect to act in their place, (and who, for the purposes of this Act, shall be known as assignee to the estate,) without any other formality, all property, real and personal, of the debtor, whether specified in the assignment or not, which is not by law exempt from attachment, including his books of accounts, all vouchers, letters, accounts, titles to property, and other papers relating to his business or estate, all monies, debts and negotiable papers, stocks, bonds and other securities, and generally all assets of any kind which he may be possessed of, or entitled to, at the date of such assignment, as well as all such as may vest in him afterwards up to the time of his discharge.

Where fyled.

Such assignment shall be fyled in the office of the proper Court, forthwith, by the assignee.

List of assets & liabilities.

3. The insolvent shall produce a list of his assets and liabilities under oath within ten days next following the said assignment.

Meeting of creditors to be called.

4. Immediately after the assignment shall have been made, the assignee by public notice shall announce the same and call a meeting of the creditors requesting them to fyle their claims under oath, accompanied by proper vouchers, within one month.

Assignee's duties and powers.

5. In all matters respecting said estate, the assignee shall be subject to the orders of the creditors, and also of the Court or judge; and as such, may dispose of the stock-in-trade of the insolvent under such terms and conditions as the creditors may determine; he shall also collect and sue for the debts

due to him, institute any process or proceeding that may be necessary for the protection or winding up of the estate.

Distributions of money received by him.

6. Distributions of money, levied under this Act, shall, be made equally and *pro rata* amongst all the creditors, in the manner and order, and according to the rank prescribed by the laws of the Province where the distribution is made, but if any claim be not due, interest thereon shall be deducted accordingly.

Notice of dividends. Objections to them.

7. Notice of all dividend sheets shall be given by the assignee by public notice, and also by notice in writing, to each creditor personally, or at his place of business, if possible, or, if not, by mail, at least fifteen days before the same shall become due and payable, and any creditor may object to the same, within the said delay, by depositing with the assignee his grounds of objection in writing, and all vouchers relating to the same.

Payment of unobjected.

All dividends not objected to shall be paid to the creditor entitled to the same.

Contestations how decided.

8. In case of contestation of the dividend sheet, the assignee shall fyle the same in the office of the Court or judge, who, after having heard the parties and their witnesses, shall take notes in writing of the evidence adduced, and shall make an award in the premises as to principal, interest and costs.

How creditor may obtain writ of attachment.

9. Any creditor may apply for a writ of attachment against the personal and moveable estate, debts and effects of his debtor, including his books of accounts, letters, monies, and all papers relating to his estate or business, upon his affidavit or that of his duly authorized agent, that such a debtor is personally indebted to him in a sum of no less than two hundred dollars above the value of any security which he holds, and that the deponent has reason to believe, and verily believes, for reasons specially stated in the affidavit, that the defendant has secreted, or is about immediately to secrete his property and effects, or is about immediately to leave the Province where hé carries on his business, with intent to defraud his creditors in general, or the plaintiff in particular, and that such secreting or departure will deprive the plaintiff of his recourse against the defendant; or, upon an affidavit establishing, besides the existence of the debt as above mentioned, that the defendant is a trader and has been sued *en séparation de biens*, or has called a meeting of his creditors, or has offered to compound with them, or has in any manner acknowledged his insolvency, or that the defendant is insolvent within the meaning of this Act, still carries on his business and has refused to arrange with his creditors or make an assignment of his property, as provided for by this Act, or that the defendant has made any of the voidable contracts, conveyances, preferential sales, transfers, or payments, provided against by this Act; or, finally, upon an affidavit disclosing the existence of a debt, as aforesaid, and any fact or reason for which in ordinary cases a *capias ad respondendum* may issue according to the laws of the Province where the proceedings are initiated.

Such writ of attachment shall be subject, as nearly as can be, to the rules of procedure of the Court in ordinary suits of attachment before judgment, as to its issue, service, execution, return, judgment and subsequent proceedings; but until such writ be finally determined, no other similar writ issued out of the same Court shall be enforced against the insolvent or his estate. But if the plaintiff does not proceed with diligence on his demand, any other like creditor may intervene and proceed with the case, under such directions as the court or judge may order. Its effect, &c.

The issuing of the writ of attachment shall forthwith be announced by public notice by the officer charged with the execution of the same. Notice of issue of writ.

10. Monies levied under the said writ of attachment, and under all writs of execution issued against traders, for sums exceeding two hundred dollars, exclusive of interest and costs, shall be returned into the Court where the proceedings are pending, and within eight days after the said return, upon the petition of plaintiff or of any creditor, alleging the insolvency of the defendant, the Court or judge may order that the creditors be called by public notice, requiring them to fyle their claims under oath, accompanied with the necessary vouchers, within one month from the date of the last insertion of said publication. Return of moneys levied and further proceedings.

11. No judgment or execution thereof shall convey to the sueing or seizing creditor any privilege or lien upon the estate of an insolvent defendant, except for costs. Privilege of seizing creditor limited to costs.

12. Unless otherwise agreed to with the hypothecary or mortgage creditors, the real estate of an insolvent shall be disposed of according to the rules of procedure in force in the Province where the property is situate; the creditors may, however, shorten the period of advertisement to not less than one month, with the consent of the hypothecary creditors and the approbation of the Court or judge. Disposal of real estate.

13. All executions for sums exceeding two hundred dollars, exclusive of interest and costs, issued against traders, shall forthwith be announced by public notice by the Prothonotary or Clerk of the Court. Notice of executions against traders over $200.

14. The insolvent may be examined at any meeting under oath; and further, the insolvent and any person, even his consort, may, from time to time till the granting of his discharge, be examined as to his estate and effects before the Court or Judge, by his Assignee or any creditor, upon an order from the Court or Judge, obtained after reasonable notice to the party so to be examined, upon a petition setting forth satisfactory reasons. Examination of insolvent, &c.

15. All questions and matters concerning the insolvent or his estate shall be decided by the majority in number and three-fourths in value of his creditors present or represented at any meeting of creditors called by public notice, said creditors holding unsecured claims of fifty dollars and upwards, which have been filed with the Assignee. Decision of questions by creditors.

Discharge or composition.

The discharge of the insolvent, or composition and discharge, and their terms and conditions, shall be determined only by the unanimous consent of the said creditors. The

Sale of estate *en bloc*.

sale *en bloc* of his estate, or the appointment or removal of the assignee, may be decided by the absolute majority in number and three-fourths in value of said creditors: Provided,

Proviso.

that no sale *en bloc* shall be valid against a creditor who has not assented to the same, unless it realizes to the creditors at least sixty cents on the dollar of their claims.

Decision final.

The decision of the creditors as aforesaid, shall be final.

Non-agreement of creditor in number in value.

16. If the majority in number does not agree with the majority in value, the views of each section of the creditors shall be referred to the Court or Judge, who shall decide between them.

Court may stay execution against debtor assigning.

17. If an insolvent trader assigns for the benefit of his creditors, the Court or Judge, on application to that effect, and if he deems it to be in the interest of the creditors, may stay the execution of any judgment against his personal and moveable estate, and may order the same or its proceeds to be handed over to the Assignee.

Publication of notices.

18. All public notices required to be given under this Act shall be published once in the "*Canada Gazette*," and also, three times, in a summary and intelligible and conspicuous manner, in one of the daily newspapers published at or nearest the place of business of the insolvent.

In the Province of Quebec, such notice shall also be given in a similar manner in one French daily newspaper.

Renumeration of assignee.

19. The assignee shall be entitled to no other remuneration for his services but that which will be voted to him at a regular meeting of the creditors.

Protection for 3 years to undischarged insolvent.

20. An undischarged insolvent shall not be sued for any debt proveable on his estate until after the expiration of three years from the close of the insolvency, but at the end of that time all debts shall revive against the insolvent, and may be enforced by the creditor as if such insolvency had never existed.

And from imprisonment.

No insolvent making an assignment in conformity to this Act, shall be subject to imprisonment for debt, except for the causes and in the manner and form set forth in this Act.

As to enforceing claims on debtor pending proceedings under this Act.

21. Pending proceedings under this Act, all remedies sought or demanded for enforcing any claim for a debt, privilege, lien or right of property upon, in or to, any effects or property in the possession or custody of an assignee (except claims upon real estate, mortgage, hypothec and real rights generally, which shall be enforced in the usual manner) shall be obtained by an order of the Court or Judge upon summary petition, and not upon any suit, attachment, opposition, seizure or other proceeding of any kind whatever.

How affidavits required may be made.

22. Any affidavit required under this Act may be sworn to, and any oath to be taken in proceedings in insolvency, may be taken in Canada before the sssignee or before any judge, notary public, commissioner for taking affidavits, Prothonotary or Clerk of the Courts of Law or Equity, or a Justice of the Peace, and out of Canada before any Judge of a Court of Record, any Commissioner for taking Affidavits, appointed by any Canadian Court, any Notary Public, the chief municipal officer for any town or city, or any British Consul or Vice-Consul.

Effect of insolvency of partners.

23. The insolvency of a partner in a co-partnership shall dissolve the partnership, and his Assignee shall be substituted in all his rights and remedies.

Revision of or appeal from judgments.

24. Judgments rendered by any Court or Judge under any of the provisions of this Act shall be subject to revision or appeal in the Province of Quebec in the same manner as the judgments of the Superior Court, in the Province of Ontario to either of the Superior Courts of Common Law or to the Court of Chancery, in the Provinces of New Brunswick, Nova Scotia, Prince Edward Island and British Columbia, to the Supreme Courts of these Provinces respectively, and in the Province of Manitoba to the Court of Queen's Bench of the said Province.

Such revision or appeal shall be taken and proceeded with under the same conditions, and in the same manner as in ordinary cases.

Effect of discharge limited to insolvent.

25. A discharge shall not operate any change in the liability of any person secondarily liable for any debt of the insolvent, either as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise; nor in the responsibility of any person liable jointly or severally with the insolvent, nor as to any debt due as damages for personal wrongs, or as penalty for any offence under any Statute, or as a balance of account due as assignee, tutor, curator, trustee, or public officer.

Notes given to obtain discharge to be void.

26. All notes signed, either by the insolvent or any other person, and any other advantage given to a creditor to obtain his consent to the discharge of an insolvent, shall be absolutely null and void, and such creditor shall forfeit in favor of any creditor suing for the same, a sum equal to treble the value of such note or advantage.

of acts of insolvent for fraud.

27. One or more creditors may, in his or their own name, or in the name of the assignee, and for the benefit of all the creditors joining in or consenting to the same, impeach the acts of their debtors made in fraud and injury of their rights, by civil suit to that effect brought before the Courts of competent jurisdiction.

Certain contracts within 12 months before insolvency void.

28. All gratuitous or *quasi* gratuitous contracts, including donations by marriage settlement, made by a debtor afterwards becoming an insolvent, within twelve months previous to his insolvency, and all such contracts made by

insolvent debtors, shall be fraudulent, and subject to be impeached.

And others with persons aware of insolvency.

29. All onerous contracts or contracts for consideration made by an insolvent debtor with a person aware of his insolvency, are fraudulent and deemed to be made with intent to defraud, and may likewise be impeached.

Others voidable in certain cases.

30. Onerous contracts made with intent to defraud on the part of the insolvent debtor only, and in good faith on the part of the person with whom he contracts, are also voidable, if made after his insolvency became public and notorious, and may also be set aside, upon such terms and conditions, however, as to the protection of such person from actual loss, as the Court may order.

Payments made in preference fraudulent and void.

31. Every payment and every contract by way of payment, or security for the payment of any debt, or for the purpose of establishing compensation or set-off, made by an insolvent debtor to a creditor knowing his insolvency, or having probable cause for knowing the same, shall be held fraudulent and void, and the creditors so benefited may be compelled to restore the amount or thing received, or the value thereof, for the benefit of the creditors, by a suit in their own name, or in the name of the assignee, if there be one.

Obtaining credit, indorsement, or security, by false pretences or concealment of facts, to be fraud and punishable as such.

32. Any person who for himself or for any company of which he forms part, or as the agent of any such person or company, purchases goods on credit, or procures the endorsement or acceptance of any negotiable paper without consideration, or induces any person to become security for him, knowing or believing himself, or such person or company, to be unable to meet his or its engagements, and concealing the fact from the person thereby becoming his creditor, with intent to defraud such person, or who by any false pretence obtains a term of credit for the payment of any advance or loan of money, or of the price or any part of the price of any goods, wares or merchandise, with intent to defraud the person thereby becoming his creditor, or the creditor of such person or company, and who shall not afterwards have paid, or caused to be paid, the debt or debts so incurred, shall be held to be guilty of a fraud, and shall be liable to imprisonment for such time as the Court may order, not exceeding two years, unless the debts and costs be sooner paid.

How the suit in such case shall be tried.

Such suit shall be subject to the ordinary rules of procedure of the Province where the same is instituted, but the judgment, if against the defendant, shall be executory forthwith. In all cases the parties shall be entitled to a trial by jury composed of traders and merchants.

Certain Acts by insolvent trader to be misdemeanors.

33. From and after the coming into force of this Act, any insolvent trader who, either in his own name, or as member or agent of any person or company, shall do, and every person who shall aid or counsel, any of the acts or things following, with intent to defraud or defeat the rights of the creditors, shall be guilty of a misdemeanor, and shall

be liable, at the discretion of the Court before which he is convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing Statute,—that is to say :

False or deficient discovery of this property, &c., on examination.

1. If he does 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 *bona fide* before sold or disposed of in the way of his trade or business, or laid out in ordinary family or household expenses, and fully, clearly and truly state the causes to which his insolvency is owing, or shall not deliver up to the assignee all such part thereof as is in his possession, custody, or power, (except such part thereof as is exempt from seizure), and also all books, papers, and writings in his possession, custody, or power, relating to his property or affairs ;

Removing or concealing goods prior to assignment.

2. If, within thirty days prior to his assignment, or the issue of a writ of attachment under this Act, he doth, with intent to defraud his creditors, remove, conceal, or embezzle, any part of his property to the value of fifty dollars or upwards.

Conniving at false proof of debts.

3. If, in case of any person having to his knowledge or belief, proved a false debt against his estate, he fails to disclose the same to his assignee within one month after coming to the knowledge or belief thereof ;

Omitting property from Schedule.

4. If, with intent to defraud, he willingly and fraudulently omits from his schedule any effects or property whatsoever ;

Concealing or withholding books, &c.

5. If, with intent to conceal the state of his affairs, or to defeat the object of this Act or of any portion thereof, he conceals or prevents, or withholds the production of any book, deed, paper, or writing relating to his property, dealings, or affairs ;

Destroying or mutilating, or falsifying books, &c.

6. If, with intent to conceal the state of his affairs, or to defeat the object of this Act, or of any part thereof, he parts with, conceals, destroys, alters, mutilates, or falsifies, any book, paper, writing or security, or document relating to his property, trade, dealings or affairs, or makes or is privy to the making of any false or fraudulent entry or statement in, or omission from any book, paper, document, or writing relating thereto ;

Alleging fictitious losses, &c.

7. If, at his examination at any time, or at any meeting of his creditors held under this Act, he attempts to account for the non-production or absence of any of his property by fictitious losses or expenses ;

Pledging property not paid for.

8. If, within the three months next preceding the assignment or the issue of a writ of attachment, he pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, any property, goods, or effects, the price of which remains unpaid by him during such three months ;

Speculating in stocks, &c.

9. If being insolvent and having reasonable cause to know his insolvency, he has speculated on the Stock or other Exchange.

Trial of offences under this Act.

34. Every offence punishable under this Act shall be tried as other offences of the same degree are triable in the

Province where such offences are committed; but in every case, if practicable, the jury shall be composed of traders and merchants.

Proviso: presumption of fraud.

Provided always, that in each of the cases enumerated under the next preceding Section, the intent to defraud on the part of the debtor shall be presumed from the bare fact of the particular act done or omitted having been so done or omitted by him, and the *onus* of disproving such intent to defraud shall be on the debtor.

If insolvent receives or obtains any part of his estate.

35. If, after the issue of a writ of attachment or the making of an assignment of his estate, the insolvent retains or receives any portion of his estate or effects, or of his monies, securities for money, business papers, documents, books of account, evidences of debt, sum or sums of money, the Assignee may make application to the Judge by summary petition (after due notice to the insolvent), for an order for the delivery over to him of the effects, documents or monies so retained, and in default of such delivery in conformity with the order to be made by the Judge upon such application, such insolvent may be imprisoned in the common gaol for such time, not exceeding one year, as such Judge may order.

Close of insolvency.

36. The close of the insolvency shall be and date from the declaring by the assignee of the last dividend; or if there be no dividend, then from the filing of a declaration by the assignee to that effect and the passing by him, at the same time, of his accounts shewing the realization of the assets and result of such realization.

Word 'Court' interpreted.

37. The word "Court," shall in the Province of Quebec, mean the Superior Court of the district where the insolvent has his place of business; in the Province of Manitoba, the Court of Queen's Bench in the county where the insolvent has his place of business, and in the other Provinces, the County Courts having jurisdiction where the insolvent resides or has his chief place of business; and in the Province of Nova Scotia, it shall also mean the Court of Probate whenever no County Court exists; and the word "Judge" shall mean a "Judge" of the said Courts respectively.

Rules of practice.

38. The Judges of the Courts of the said Provinces respectively shall have power to adopt rules of practice for regulating the due conduct of the proceedings under this Act, and also tariff of fees for the officers of the Court and also attorneys practising therein; but until such rules of practice are adopted, the rules of practice and tariffs of fees now in force in the several Provinces shall remain in force.

Repeal of present laws. Exception.

39. The Insolvent Act of 1864, 1869, 1875, and the Acts amending the same, and all other Dominion and Provincial Statutes inconsistent with this Act, shall be and remain repealed to all intents and purposes, except so far as regards proceedings commenced and then pending thereunder, and

also as regards all contracts, acts and things made and done before such repeal.

40. This Act shall apply to co-partnerships and incorporated companies, except incorporated banks, insurance, railway or telegraph companies. Application of Act to co-partnerships, &c.

No. 22.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to repeal the Insolvent Act of 1875, and to make provision in lieu thereof.

Received and read, first time, Tuesday, 4th March, 1879.

Second reading, Thursday, 6th March, 1879.

Mr. GIROUARD
(Jacques Cartier).

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1879.

No. 23] **BILL.** [1879.

An Act to incorporate the Gazette Printing Company.

WHEREAS Richard White and others have, by their petition, prayed for the passing of an Act to incorporate them under the name of the Gazette Printing 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:— Preamble.

1. Richard White, Thomas White, Levi Ruggles Church, Alexander Walker Ogilvie, John Theophilus Robinson and Robert Smeaton White, Esquires, all of the City of Montreal, together with all such persons as 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 Gazette Printing Company, 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 acquire for themselves and successors, under any legal title whatsoever, property real and personal; may alienate, sell, convey, lease or otherwise dispose of 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; and may, should they see fit, acquire other real and personal estate for the purposes of this Act; Provided always, that the real estate held by the said Corporation at any one time shall not exceed in annual value the sum of twenty thousand dollars currency. Certain persons incorporated. Corporate name and powers. Real estate limited.

2. The said corporation is hereby constituted for the purpose of purchasing and acquiring from the said Richard White the printing establishment and business owned and now carried on by him in the City of Montreal, with the real and personal estate and the copy-rights, good-will, interest and assets connected therewith, upon such conditions as may be agreed upon between the said corporation and the said Richard White; and to carry on the business of printing, publishing, stereotyping, engraving, wood-cutting, lithographing and book-binding; and to vend all articles of merchandize connected therewith. Objects and business of the corporation.

3. The capital stock of the said Company shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each; and the said stock shall be Capital stock and shares.

To be personal estate, &c.

deemed personal estate, and shall be transferable in such manner only and subject to such conditions and instructions as by the by-laws of the said Company shall be prescribed.

Power to make by-laws, and for what purposes.

4. The shareholders of the Company shall have full power in all things to administer the affairs of the Company and to make by-laws regulating the issue and registration of certificates of stock, the transfer of stock, the declaration of payment of dividends, the number of Directors, their term of service, the manner of their election, the completion of the Board in the event of the death, removal, or resignation of a Director, 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 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, rom time to time, repeal, amend or re-enact the same,

And to repeal or alter them.

One vote for each share.

5. Every shareholder in the Company shall be entitled to one vote for each share he may hold in the capital stock of the Company at least one month prior to the time of voting.

Copy of any by-law to be evidence.

6. A copy of any by-law of the Company, under its 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 and equity in the Dominion of Canada.

Provisional directors and their powers.

7. To enable the corporation to carry out the objects before mentioned, the said Richard White, Levi Ruggles Church, Alexander Walker Ogilvie, John Theophilus Robinson and Robert Smeaton White, are hereby constituted Provisional Directors of the Company, and as such authorized and empowered to conduct and carry into effect all arrangements and agreements for the purchase and acquisition, on behalf of the Company, of the printing establishment and business in the second section of this Act mentioned, upon such terms and conditions as may be agreed upon between the said Provisional Directors and the said Richard White; and, so soon as the agreement for such purchase and acquisition shall have been completed, the said Provisional Directors, three of whom shall constitute a quorum, 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.

Quorum.

Stockbooks.

First general meeting of shareholders.

8. So soon as the one-half of the capital stock shall have been subscribed, the Provisional Directors shall call a general meeting of the shareholders in the City of Montreal, of which meeting not less than ten days' notice shall have been given by public advertisement in the *Gazette* newspaper, for the purpose of passing by-laws for the management of the affairs of the Company, the election of Directors, the appointment of officers, and generally for the exercise of the powers conferred on the shareholders by the fourth section of this Act.

Election of directors.

Powers of directors.

9. 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.

Failure of Election not to dissolve the company.

10. 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.

General annual meetings.

11. The general annual meeting of the Company shall be held at the City of Montreal, on the first day of March in each year, or if that day be a statutory holiday, then on the next following juridical day; and at such meeting a full and detailed statement of the financial affairs of the Company up to the thirty-first December of the year then last past, shall be submitted to the stockholders, and shall appear in the books of the Company, and be open for the inspection of the shareholders.

Accounts to be submitted.

Annual estimate of value of stock.

12. 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 next ensuing year, any shares in the stock of the Company are offered for sale, or 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, or any one or more of the shareholders of the said Company, shall, during 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 after such delay for deliberation on the part of the Company, and in such order and on such conditions as regards the respective shareholders as may be fixed by the by-laws of the Company.

Company and shareholders to have a preferential right to purchase shares offered for sale or transmitted by bequest, &c., at such valuation.

Books to be kept.

13. The Company shall cause a book or books to be kept by the treasurer, or by some other officer specially charged with that duty, wherein shall be kept recorded:

What to contain, by-laws.

1. A correct copy of the Act incorporating the Company, as also of any and every by-law thereof;

Names.

2. The names, alphabetically arranged, of all persons who are or have been shareholders;

Addresses,

3. The address and calling of every such person, while such shareholder;

Shares,

4. The number of shares of stock held by each shareholder;

Transfers,

5. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and

Directors.

6. The names, addresses and calling of all persons who are or have been Directors of the Company, with the several dates at which such became or ceased to be such Director.

Effect of transfer limited until entered.

14. 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 transferrer to the Company and their creditors,—until entry thereof has been duly made in such book or books

Books to be open to stockholders and creditors of company.

15. The stock and transfer book shall, during reasonable business hours of every day, except Sundays and statutory holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company, and every such shareholder, creditor or representative may make extracts therefrom.

Effect as evidence.

16. Such books shall be *primâ facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any shareholder.

Penalty for making untrue entries.

17. 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, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, shall be liable to a penalty not exceeding twenty dollars for making each 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 trusts on shares.

18. 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 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.

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 said 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 to any individual liability whatsoever to any third party therefor; Provided always, that nothing in this section shall be construed to authorize or empower 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.

Contracts, &c., by the company; how to be executed.

Proviso as to bank-notes.

20. 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; Provided always, that among the officers of the Company there shall be a printer and publisher, who shall be held responsible in any criminal action for libellous matter complained of as having been published in the said Gazette newspaper; and at least once in each month the said newspaper shall contain a notice in a prominent part thereof, of the full name and residence of the party holding such office as printer and publisher; and the said printer and publisher shall in like manner be held responsible in any criminal action for any libellous matter complained of as having been printed and published in any book, pamphlet or other printed matter issuing from the establishment of the Company.

Liability of shareholders limited.

Proviso: a printer and publisher to be named to be responsible in any prosecution for libel.

21. 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 persons 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 by an instrument disclosing the conditional value of the transfer, 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.

As to stock held by persons in a representative capacity.

22. 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 shall be eligible as a director; and

Voting in such stock.

every person who pledges his stock by any instrument disclosing the conditional nature of the transfer, may nevertheless represent such stock at all such meetings, and may vote accordingly as a shareholder.

Penalty for paying dividends when company is insolvent, &c.

23. 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 at may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

How any director may avoid such liability.

Penalty for lending money to stockholders.

24. No loan shall be made by the Company to any shareholder, and if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan, and also to third parties to the extent of such loan and interest—for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof.

Forfeiture of charter by nonuser.

25. The powers, rights and privileges granted to the Company by this Act shall be forfeited by nonuser during three consecutive years, at any one time, or if the Company does not go into actual operation within three years after the passing thereof, and no declaration of forfeiture by any Act of Parliament shall be deemed an infringement of the rights and privileges hereby granted.

Company to be subject to any general act.

26. 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.

No. 23.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to incorporate the *Gazette* Printing Company.

Received and read, first time, Tuesday, 4th March, 1879.

Second reading, Thursday, 6th March, 1879.

(PRIVATE BILL.)

Mr. RYAN,
(Montreal Centre.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,
1879.

No. 24. **BILL.** [1879.

An Act to amend the Act incorporating the Kingston and Pembroke Railway Company.

Preamble.

WHEREAS the Kingston and Pembroke Railway Company have by their petition prayed that the Acts respecting the said Company may be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Branch lines may be built.

1. The Kingston and Pembroke Railway Company may and is hereby authorized to lay out, construct, finish, equip, work, and use branch lines of Railway at and from any point on the main line of the said Kingston and Pembroke Railway to Tamworth, in the County of Lennox and Addington, and to Carleton Place, in the County of Lanark, in the Province of Ontario, with the same rights, powers, and liabilities, and under and subject to the same conditions as if the said branch lines had been authorized in the original Act incorporating the said Company.

First preference bonds may be issued.

2. The Directors of the said Company are hereby authorized and empowered to issue first preference bonds or debentures which shall be and form a first preference charge on the undertaking, lands, buildings, rolling stock and plant, tolls and income of the Company, and such bonds or debentures shall express and state on their face the total amount of such first preference bonds; and thereafter and until such bonds are redeemed, or the amount of all such bonds outstanding is deposited in some chartered bank of the Dominion, in trust of the redemption of such bonds, no further or other first preference bonds shall be issued.

Also second preference bonds.

3. The said Directors are also authorized to issue second preference bonds which shall be and form a second preference charge on the undertaking, lands, buildings, rolling stock, plant, tolls and income of the Company, and such bonds or debentures shall express or state the total amount of such second preference bonds; and thereafter and until such bonds are redeemed, or the amount of all such bonds outstanding is deposited in some chartered bank of the Dominion, in trust for the redemption of such bonds, no further or other second preference bonds shall be issued. And the Directors shall not increase the issue of first preference bonds if any second preference bonds have been issued and are outstanding, unless and until the said second preference bonds are redeemed, or the amount of all such bonds outstanding is deposited in some chartered bank of the Dominion, in trust

Proviso: amount limited.

for the redemption of such bonds: Provided that the total amount of such first and second preference bonds shall not exceed ten thousand dollars per mile of the said Railway constructed, or under contract to be constructed, under and by virtue of the Act incorporating the said Company, or of this Act.

Section 22 of 34 V. c. 49 repealed.

4. The twenty-second section of the Act passed in the thirty-fourth year of the reign of Her Majesty, chaptered forty-nine, is hereby repealed; but all bonds or debentures heretofore issued under and by virtue of the said section are hereby declared to be a first charge on the said undertaking, lands, buildings, tolls and income of the said Company as provided for in the said section, and all sales of bonds and stock heretofore made by the said Company are hereby declared valid and binding upon the terms and conditions upon which the same may have been made.

Time for completion extended.

5. The time for the completion of the said Railway is hereby extended for the period of ten years from the passing of this Act.

No. 24.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act incorporating the Kingston and Pembroke Railway Company, and to extend the time for the completion of the said Railway.

Received and read, first time Wednesday, 5th March, 1879.

Second reading, Friday, 7th March, 1879.

Mr. KIRKPATRICK.

(PRIVATE BILL.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 25.] **BILL.** [1879.

An Act to abolish the use of French Weight in the Province of Quebec.

WHEREAS uniformity of weights and measures is a matter of public interest, and the use of French Weight in certain parts of the Province of Quebec is prejudicial to the agricultural classes, inasmuch as traders and hucksters buy from them by French Weight and sell again for their own profit by the legal English Weight: 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 use of French Weight is hereby abolished in the Province of Quebec. French weight abolished.

2. Every contract, bargain, sale, barter, trading arrangement or transaction whatever, shall, so far as it stipulates for French Weight, be void and of no effect, and shall not be binding on the vendor. Contracts in French weight void against vendor.

3. The vendor may, nevertheless, at his option, maintain the contract, and demand for legal English Weight the prices agreed upon, notwithstanding the stipulation for French Weight. Vendor may maintain them and give English weight.

No. 25.

1st Session, 4th Parliament, 41 Victoria, 1879

BILL.

An Act to abolish the use of French Weight in the Province of Quebec.

Received and read, first time, Wednesday, 5th March, 1879.

Second reading, Friday, 7th March, 1879.

Mr. CASGRAIN.

OTTAWA:
Printed by MACLEAN, ROGER & Co.

1879

No. 26.] **BILL.** [1879.

An Act to authorize the Trustees of the Toronto Savings Bank to sell and convey to the Home Savings and Loan Company (Limited).

Preamble.

WHEREAS the Act of Parliament under which the Toronto Savings Bank continues to do business will expire at the end of the Session of Parliament which will be held next after the first day of January, 1882, and whereas it is for the benefit of the depositors, and of the persons interested in the surplus of the said Bank, that the affairs of the said Bank should not be gradually wound up, and that the Trustees thereof should have the power to sell, convey and transfer the assets, property and good-will of the said Bank to the Home Savings and Loan Company (limited); and whereas the Trustees of the said Toronto Savings Bank and the Directors of the said Home Savings and Loan Company (limited) have, by their petitions, represented that the said Bank and the said Company are desirous of entering into and carrying out an agreement for the sale by the said Bank to the said Company of all the assets, property and effects of the said Bank, and that it will be for the interests of the said Bank and of the said Company that the same should be effected; and whereas it is expedient that the prayer of the petitioners be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement may be entered into.

1. The Trustees of the Toronto Savings Bank and the Directors of the Home Savings and Loan Company (limited) may enter into an agreement for the sale by the said Trustees, and the purchase by the said Company, of all the land, property, goods, effects, securities and assets of every kind belonging to the said Toronto Savings Bank, and the good-will of the said Bank upon such terms and conditions, and for such price as may be agreed upon by and between the said Trustees and the said Directors; Provided that in any such agreement it shall be a term and condition thereof that the said Company shall agree with the said Trustees to assume and be liable to pay all depositors of the Toronto Savings Bank whose names appear in the books of the said Bank, such amounts as may appear in the said books to be due to them respectively.

Proviso.

To be submitted to the Directors.

2. The said agreement shall be submitted to the Honorary Directors of the said Bank at a meeting to be specially called for that purpose, and before the said agreement shall be executed, the assent of a majority of such Honorary Directors present at such meeting shall have been obtained.

Certain assets may be excepted.

3. In any such agreement any part or parts of the assets of the said Bank may be excepted from the sale and from the deed of conveyance and reserved to the said Trustees.

Covenants.

4. The parties to the said conveyance are hereby authorized in such conveyance to enter into such covenants as shall be agreed upon.

Payment may be by stock.

5. The amount payable under such agreement to the said Trustees by the said Company, may be wholly or partly in fully paid-up stock of the said Company, as may be agreed upon between the parties; and the said Company is hereby authorized to allot and give to such Trustees such amount of stock, and at such time or times as shall be agreed upon, and the stock so to be allotted and given shall be to all intents and purposes fully paid-up stock without the payment of anything thereon.

Deed to be executed and fyled.

Effect thereof.

6. The terms of the agreement, after approval of the majority of such Honorary Directors, shall be set forth in a formal indenture of conveyance and transfer executed by the said Trustees and by the said Company; and upon filing a duplicate thereof in the office of the Secretary of State of Canada, the said deed shall be taken to be fully complete, and thereupon all the estate and effects, real and personal, and the rights, property, credits, choses in action, claims and demands of whatsoever nature or quality, or wherever situate, of the Toronto Savings Bank (save and except any assets or claims reserved by the provisions of the said indenture) shall forthwith become vested in the said Home Savings and Loan Company (limited), its successors and assigns, as and for its own use and benefit absolutely; and it may in its own name, sue for, collect and get in all and every part of the said estate, rights and effects, and generally do all acts and take all proceedings necessary therefor, either at law or in equity, as fully and effectually as the said Trustees of the Toronto Savings Bank could have done; and the said Home Savings and Loan Company (limited) shall have all such powers as may be set forth in the said indenture of conveyance to and for and on behalf of the said Trustees of the Toronto Savings Bank, in respect to such assets, except such as may be excepted and reserved as aforesaid.

Company to have certain powers.

Payment of debts.

7. The said Company shall be liable upon the completion of the purchase, to pay and discharge all the debts and obligations which by the said agreement they shall or may covenant with the said Trustees to pay, and may be directly sued and proceeded against in respect thereof as fully and effectually as if the same were originally the debts and obligations of the said Company.

Company may be substituted for trustees in suits.

8. Upon the completion of the said purchase all actions or proceedings in any Court in which suits, actions or proceedings the said Trustees of the Toronto Savings Bank are plaintiffs, may be continued to judgment and execution in the name of the said Company upon a suggestion being

entered at any stage in the pleadings, or on the record at any time before judgment, or upon the judgment roll after judgment, by virtue of this Act, that the said Company by virtue of this Act and the execution of such indenture, became entitled to the benefit of the subject-matter and benefit of the said action or proceeding.

No. 26.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to authorize the Trustees of the Toronto Savings Bank to sell and convey to the Home Savings and Loan Company (Limited).

Received and read, first time Wednesday, 5th March, 1879.

Second reading, Friday, 7th March, 1879.

(PRIVATE BILL.)

Mr. CAMERON
(North Victoria).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 26.] **BILL.** [1879.

An Act to authorize and confirm an Indenture of Sale by the Trustees of the Toronto Savings Bank to the Home Savings and Loan Company (Limited).

[*Reprinted as proposed to be amended before the Select Standing Committee on Banking and Commerce.*]

Preamble.

WHEREAS the Act of Parliament under which the Toronto Savings Bank continues to do business will expire at the end of the Session of Parliament which will be held next after the first day of January, 1882, and whereas it is for the benefit of the depositors, and of the persons interested in the surplus of the said Bank, that the affairs of the said Bank should not be gradually wound up, and that the Indenture hereinafter referred to should be ratified and confirmed; and whereas the Indenture hereinafter referred to has been executed by the Trustees of the Toronto Savings Bank and by the Home Savings and Loan Company (limited); and whereas the Trustees of the said Toronto Savings Bank and the Directors of the said Home Savings and Loan Company (limited) have, by their petitions, represented that the said Bank and the said Company are desirous of having the said deed ratified and confirmed, and of having Trustees appointed for the management of any surplus belonging to the said Bank, and for carrying out an agreement for the sale by the said Bank to the said Company of all the assets, property and effects of the said Bank, and that it will be for the interest of the said Bank and of the said Company that the same should be effected; and whereas it is expedient that the prayer of the petitioners 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:—

Indenture confirmed.

1. The said indenture of conveyance and transfer, dated the fourth day of April, one thousand eight hundred and seventy-nine, in the schedule to this Act set forth marked A, and everything therein contained, shall be and the same are hereby confirmed and declared to be valid from the day of the date thereof.

Property transferred.

2. All the property, estate and effects, real and personal, and the rights, property, credits, choses in action, claims and demands of whatsoever nature or quality, or wherever situate, of the Toronto Savings Bank, and of the said Trustees or of any person in trust for them (save and except any assets reserved by the provisions of the said indenture), are hereby and by the said deed vested in the said Home Savings and Loan Company (limited), its successors and assigns, for its

own use and benefit absolutely; and the said Company may in its own name, and in the name of the said Trustees or of any person in trust for them, sue for, collect and get in all and every part of the said estate, rights and effects, and generally do all acts and take all proceedings necessary therefor, either at law or in equity, as fully and effectually as the said Trustees of the Toronto Savings Bank could have done.

Payment and recovery of debts.

3. The said Company shall be liable to pay and discharge all the debts and obligations in the said agreement by them covenanted to be paid, and may be directly sued and proceeded against in respect thereof as fully and effectually as if the same were originally the debts and obligations of the said Company.

Suits may be continued.

4. All actions or proceedings in any Court in which suits, actions or proceedings the said Trustees of the Toronto Savings Bank are plaintiffs, may be continued to judgment and execution in the name of the said Company upon a suggestion being entered at any stage in the pleadings, or on the record at any time before judgment, or upon the judgment roll after judgment, by virtue of this Act, that the said Company by virtue of this Act and the execution of such indenture, became entitled to the benefit of the subject matter and benefit of the said action or proceeding.

Trustees appointed.

5. The present Trustees of the said Toronto Savings Bank, namely: Very Reverend Francis Patrick Rooney, John Shea, Matthew O'Connor, Charles B. Doherty and Thomas Flynn, Esquires, shall be continued as the Trustees of the surplus funds of the said bank, unassigned and excepted in the said indenture set forth in the said Schedule A; but from and after the resignation of the said Very Reverend Francis Patrick Rooney, the Roman Catholic Archbishop of the Diocese of Toronto, his successor, or the person for the time being officiating as administrator of the Roman Catholic Archepiscopal Diocese of Toronto, shall be *ex-officio* one of the said Trustees.

Ex officio trustee.

Name and powers of trust.

6. The said Trustees shall hereafter be known as and named "The Toronto Savings Bank Charitable Trust," and shall upon trust hold, possess, invest, deal with and distribute the said fund for the benefit of the charities entitled thereto under the Act fourth and fifth Victoria, chapter thirty-two, as the said Trustees shall deem proper, and with like powers under the said Act, in reference to the said fund, as they possessed as Trustees of the Toronto Savings Bank, unaffected by the limitation of section fourteen or by any of the amendments to the said Act.

SCHEDULE A.

This indenture made in the triplicate this fourth day of April, one thousand eight hundred and seventy-nine, between Matthew O'Connor, John Shea, the Very Reverend Francis Patrick Rooney, Charles Brien Doherty and Thomas Flynn, all of the City of Toronto, Trustees of the Toronto Savings Bank, of the first part, and the Home Savings and Loan Company (limited), of the second part, witnesseth that the parties hereto of the first part do hereby grant, convey, assign, transfer and set over unto the said party hereto of the second part, its successors and assigns for ever, for its own use and benefit, all the lands, mortgages, debts, accounts, cash, bank notes, debentures, stock, bills, notes, goods, chattels, fixtures, furniture, books of account. judgments and all property, estate and effects, rights and credits of every kind and nature, and wheresoever situate, of and belonging to the parties of the first part, as such Trustees, and of and belonging to the said Toronto Savings Bank, or in or to which they as such Trustees have or said Bank has any title, interest or claim, and including all securities, vouchers and documents and assets, whether held by said Trustees or said Savings Bank, or by any persons or person, or bodies or body corporate in trust for them, or for their use, excepting, however, a certain indenture of mortgage made by Robert Heber Bowes, to Thomas Henry Ince, and by said Ince assigned to the Reverend Francis Patrick Rooney, and held by him in trust for said parties of the first part, and which indenture of mortgage is registered in the Registry Office of the City of Toronto, as number 14,310 D, and which assignment is registered in said Registry Office as number 14,311 A, and said parties hereto of the first part do hereby assign, transfer and set over unto said Company, its successors and assigns, the goodwill, beneficial interest and advantage of the connections and custom of said Toronto Savings Bank, and of the said Trustees in the business of the said Bank, and the said Company doth hereby assume all the liabilities of the said Toronto Savings Bank, and doth hereby covenant, promise and agree with the said Trustees to pay, satisfy and discharge all such liabilities, and to indemnify and save harmless the said Trustees and said Savings Bank from the payment thereof, and the said parties hereto of the first part do for themselves and their successors in office, as such Trustees, covenant with the said Company that they the said Trustees and all persons acting for them, or holding or having any property, estate, effects or securities for them, will execute all assignments or transfers that are necessary or proper to effectually carry out the intent and meaning of these presents.

The parties hereto of the first part as such Trustees do hereby for themselves, their successors and assigns, covenant, promise and agree to and with said party of the second part, its successors and assigns, that the said Trustees, their successors or assigns, and that the said Toronto Savings Bank shall not nor will henceforth either directly or indirectly engage in or carry on the business of a Savings Bank

or Receiver of Deposits, or any business of a similar kind in the said City of Toronto.

The said parties hereto of the first part covenant for themselves and their assigns to hold the said Bowes' mortgage and the money secured thereby or derivable therefrom in trust in the first place to pay the said parties of the second part, their successors or assigns, the sum of three thousand six hundred and forty-four dollars and fifty-one cents interest, which shall have accrued thereon on the day of the date of these presents, and the remainder thereof principal and interest as Trustees of the Toronto Savings Bank, or upon such trusts and for such purposes as shall be declared in a certain Act of the Parliament of Canada, now being applied for intituled "An Act to authorize the Trustees of the Toronto Savings Bank to sell and convey to the Home Savings and Loan Company, Limited," and which received its first reading on the fifth day of March, one thousand eight hundred and seventy-nine.

The parties hereto of the first part for themselves, and so far as they lawfully can, for any person who shall hereafter hold said Bowes' mortgage, covenant, promise and agree with the said party of the second part, that they and their assigns will use all due diligence in the collecting and receiving and paying over of the moneys payable to the parties of the second part under said Bowes' mortgage.

And the said parties of the second part covenant and agree with the parties of the first part, that they will pay all the expenses of obtaining the said Act, and of and incident to the transfer, and conveyance of the said Bank and assets thereof as aforesaid, the true intent and meaning of the parties to these presents being that the said Bowes' mortgage, except the sum of three thousand six hundred and forty-four dollars and fifty-one cents thereof, shall be the property of the said parties of the first part, free from any charges whatever, and that all the property and assets of the said Bank shall vest absolutely in the said parties of the second part forever, subject to all the liabilities of the said Bank, including the expenses and disbursements of, and incidental to such legislation as may be necessary to confirm and give effect to these presents.

And the parties hereto do hereby covenant and agree, each with the other, and others of them that upon a Bill for an Act of the Parliament of Canada intituled "An Act to authorize the Trustees of the Toronto Savings Bank to sell and convey to the Home Savings and Loan Company (Limited)," coming before the Committee to whom it will be referred after its second reading, they, the said parties of the first part will, and the said party of the second part will have the said Bill amended, by making it a Bill to ratify and confirm these presents, and that they will take all proper steps to have these presents confirmed, and to have certain trusts declared, and Trustees appointed in and by said Bill,

In witness whereof the parties hereto of the first part have hereunto set their hands and seals, and the party hereto

of the second part has caused its corporate seal to be hereunto affixed the day and year first above written.

(Signed)	MATTHEW O'CONNOR, President.	(L.S.)
"	JOHN SHEA.	(L.S.)
"	FRANCIS PATRICK ROONEY.	(L.S.)
"	C. B. DOHERTY.	(L.S.)
"	THOMAS FLYNN.	(L.S.)

Signed, sealed and delivered
in the presence of
(Signed) JAS. L. BEUNER.

{ Corporate Seal. }

No. 26.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

An Act to authorize the Trustees of the Toronto Savings Bank to sell and convey to the Home Savings and Loan Company (Limited).

Reprinted as proposed to be amended before the the Select Standing Committee on Banking and Commerce.

(PRIVATE

Mr. Cameron
(North Victoria).

OTTAWA:
Printed by Maclean, Roger & Co.

1879

No. 27.] **BILL.** [1879.

An Act to amend the Act to incorporate the Ontario and Pacific Junction Railway Company of Canada.

WHEREAS the Ontario and Pacific Junction Railway Company have, by their petition, represented the necessity of extending the time for the commencement and completion of their proposed line of railway; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 37 V., c. 74.

1. The twenty-seventh section of the Act of incorporation of the said Company passed in the thirty-seventh year of the reign of Her Majesty, chaptered seventy-four, is hereby repealed and the following section substituted therefor:— Section 27 repealed; new provision.

"**27**. The railway shall be commenced within three years and completed within six years after the date of the proclamation mentioned in the next following section,"

No. 27.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act to incorporate the Ontario and Pacific Junction Railway Company of Canada.

Received and read, first time, Wednesday, 5th March, 1879.

Second reading, Friday, 7th March, 1879.

(PRIVATE BILL.)

Mr. WILLIAMS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 28. **BILL.** [1879.

An Act to amend an Act intituled "An Act respecting the Intercolonial Railway," passed in the 39th year of the Reign of Her Majesty Queen Victoria.

Preamble.

Acts of N.S., cap. 83 of 1863, and cap. 96 of 1866, cited.

WHEREAS by an Act passed by the Legislature of Nova Scotia, being chapter eighty-three, of the year one thousand eight hundred and sixty-three, which said Act was amended by an Act of the same Legislature, that is to say, by chapter ninety-six, of the year one thousand eight hundred and sixty-six, certain rights were conferred on the Halifax Street Railway Company, and it was thereby provided that, in the event of the Government of Nova Scotia assuming the possesion of such railway, a certain tribunal and mode o valuation was ordered and appointed; and, whereas it was not intended by the Act of the Parliament of Canada cited in the title to this Act, that the said provisions of the said two Statutes of the Province of Nova Scotia should be annulled and set aside: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Proviso added to s. 2 of 39 V. c. 16.

Nothing in 39 V. c. 16 or 31 V. c. 10, to affect injuriously the rights of the Halifax Street Railway Co. under the said Provincial Acts.

1. The following proviso shall be added to, and read after the last word of, the second section of the said Act of the Parliament of Canada, and shall form part thereof; that is to say: "Provided always, that nothing in this Act or in the Act intituled *An Act respecting the Public Works of Canada*, shall injuriously affect or prejudice in any way the rights, franchises and properties of the Halifax Street Railway Company, as granted to them and acquired by them, under certain Acts of the Legislature of Nova Scotia, and as regards compensation for and the tribunal to ascertain the value of any and all of the properties, franchises and chartered rights of the said Company, which may have been or may be interfered with by the Government of Canada; and the Government of Canada shall stand on the same footing and shall be subject to the same obligations as the Government of the Province of Nova Scotia would have been subject to under and by virtue of the said Acts of the Legislature thereof."

No. 28.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend an Act intituled "An Act respecting the Intercolonial Railway," passed in the 39th year of the Reign of Her Majesty Queen Victoria.

Received and read, first time, Thursday, 6th March, 1879.

Second reading, Monday, 10th March, 1879.

Mr. COCKBURN
(Northumberland, O).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 29. **BILL.** [1879.

An Act to amend the "Montreal and City of Ottawa Junction Railway Act," and the Act amending the same.

Preamble.

WHEREAS the Montreal and City of Ottawa Junction Railway Company have, by their petition, prayed that they may have power to amalgamate with the Coteau and Province Line Railway and Bridge Company, and that the Act amending their Act of incorporation may be amended; 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:—

Amalgamation authorised.

1. The Montreal and City of Ottawa Junction Railway Company, may, with the consent of not less than two-thirds of the shareholders present in person or represented by proxy at a special general meeting called for the purpose, enter into an agreement for the amalgamation of the said Company and the Coteau and Province Line Railway and Bridge Company, under the corporate name of "Canada Atlantic Railway Company."

Deed to be executed and deposited.

2. The terms and conditions of the said amalgamation, shall be contained in a deed to be executed by the two Companies, and whereof a duplicate accompanied with proof of the required assent of the shareholders, shall be deposited in the office of the Secretary of State of Canada, who shall thereupon cause a notice of the execution of such deed to be published in the *Canada Gazette*, and the said amalgamation shall take effect from and after some day to be named in such deed occurring after such publication in the *Gazette*.

No. 29.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the "Montreal and City of Ottawa Junction Railway Act," and the Act amending the same.

Received and read, first time, Friday, 7th March, 1879.

Second reading, Monday, 10th March, 1879.

(PRIVATE BILL.)

Mr. McLennan.

OTTAWA:

Printed by MacLean, Roger & Co.

1879.

No. 30. **BILL.** [1879.

An Act to amend the "Coteau and Province Line Railway and Bridge Act," and the Act amending the same.

Preamble.

WHEREAS the Coteau and Province Line Railway and Bridge Company have, by their petition, prayed that they may have power to amalgamate with the Montreal and City of Ottawa Junction Railway Company, and that the Act amending their Act of incorporation may be amended; 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:—

Amalgamation authorised.

1. The Coteau and Province Line Railway and Bridge Company may, with the consent of not less than two-thirds of the shareholders present in person or represented by proxy at a special general meeting called for the purpose, enter into an agreement for the amalgamation of the said Company and the Montreal and City of Ottawa Junction Railway Company, under the corporate name of "Canada Atlantic Railway Company."

Deed to be executed and deposited.

2. The terms and conditions of the said amalgamation shall be contained in a deed to be executed by the two Companies; and whereof a duplicate accompanied with proofs of the required assent of the shareholders, shall be deposited in the office of the Secretary of State of Canada, who shall thereupon cause a notice of the execution of such deed to be published in the *Canada Gazette*; and the said amalgamation shall take effect from and after some day to be named in such deed occurring after such publication in the *Gazette*.

Bridge may be built over St. Lawrence River.

3. Notwithstanding the third section of the Act passed in the fortieth year of Her Majesty's Reign, and chaptered sixty-one, intituled: "*An Act to amend the Coteau and Province Line Railway and Bridge Act*," the said Coteau and Province Line Railway and Bridge Company shall have the powers granted by their Act of incorporation in respect of the construction of a bridge over the Saint Lawrence River.

No. 30.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the "Coteau and Province Railway and Bridge Act," and the Act amending the same.

Received and read, first time, Friday, 7th March, 1879.

Second reading, Monday, 10th March, 1879.

(PRIVATE BILL.)

Mr. McLennan,

OTTAWA:

Printed by MacLean, Roger & Co.,

1879.

No. 30.] **BILL.** [1879.

An Act to amend the Acts incorporating the "Coteau and Province Line Railway and Bridge Company" and the "Montreal and City of Ottawa Junction Railway Company," and amending Acts, and to amalgamate the said Companies.

(*Reprinted as proposed to be amended before the Select Standing Committee on Railways, Canals and Telegraph Lines.*)

Preamble.

WHEREAS the "Coteau and Province Line Railway and Bridge Company" and the "Montreal and City of Ottawa Junction Railway Company" have, by their petitions, represented that it would be for the advantage of both of the said Companies that they should be amalgamated, and have prayed for the passing of an Act for that purpose; and whereas it is expedient to grant the prayer of such petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Companies amalgamated.

Corporate name.

1. The "Coteau and Province Line Railway and Bridge Company" and the "Montreal and City of Ottawa Junction Railway Company" shall be and the same are hereby amalgamated subject to the provisions hereinafter mentioned, under the corporate name of "Canada Atlantic Railway Company," upon the terms and conditions contained in the draft deed of amalgamation set forth in the schedule to this Act.

Deed confirmed.

2. The said draft deed of amalgamation is hereby approved of and confirmed, and is to be taken and read as a portion of this Act.

Powers of the company.

3. Under the name of "Canada Atlantic Railway Company" the said amalgamated Company shall have all the powers and privileges in the said draft deed contained or referred to, and also the powers and privileges hereinafter mentioned.

Powers as to bridging the River St. Lawrence.

4. Notwithstanding the provisions of section three of the Act fortieth Victoria, chapter sixty-one, the said "Canada Atlantic Railway Company" shall have all the powers conferred by the Act thirty-fifth Victoria, chapter eighty-three, with reference to the construction of a bridge or bridges over the River St. Lawrence for the use of the said Canada Atlantic Railway; and the provisions, limitations and conditions contained in the third, seventeenth and eighteenth sections of the last-cited Act, shall apply to the said Canada Atlantic Railway Company in reference to the erection of the said

bridge or bridges, and the said sections shall be taken and read as part of this Act.

Telegraph line may be constructed.

5. The said Canada Atlantic Railway Company shall have the power and right to construct, equip and maintain a telegraph line along the whole length of the said Railway and its branches, if any, and across the said River St. Lawrence and the Beauharnois Canal, and to establish offices at such points as may be thought necessary or expedient by the said Company for its own use; and for the purpose of erecting and working such telegraph line, the said Company shall have power to enter into a contract or contracts with any other Company or Companies.

Head office.

6. The head office of the said Canada Atlantic Railway Company shall be at the City of Ottawa, or at such other place as shall be fixed by by-law of the Company.

Mortgage bonds may be issued.

7. The said Canada Atlantic Railway Company shall have the power, immediately after the said Company has been organized under this Act, to issue mortgage bonds to the extent of one million dollars, and in addition thereto a further amount of such bonds to the extent of fifteen thousand dollars a mile of the whole length of the said line excepting the said bridge, such bonds to be issued under the provisions of and secured by a deed or deeds of mortgage from the said Company to a trustee or trustees for the holders thereof, and the said bonds and mortgage or mortgages securing the same shall be a first charge and lien upon the whole of the said railway and bridge, property, real and personal, franchise, rolling-stock, plant, tolls and revenues, at the time of such organization owned or thereafter acquired by the said Company; and the said mortgage deed or deeds shall contain such conditions and provisoes as may have been agreed upon between the parties who are to be the holders of the said bonds and the said Company, or either of the said two Companies, as to what shall be the amount of each of the said bonds, the time, place and mode of payment, rate of interest, remedies to be exercised on non-payment of the said bonds, interest or coupons, and the mode of enforcing such remedies, and also the penalties and forfeitures to be enforced on non-payment of the said bonds, interest or coupons; and may also give such power as may have been agreed upon as aforesaid to the trustee or trustees of the said mortgage or mortgages, upon default of payment of bonds, interest or coupons, to take possession of the said railway and bridge property and franchise, and to hold and run the same for the benefit of the said bond-holders, or to sell the the said railway and bridge property and franchise: Provided always, that the said mortgage or mortgage bonds shall not form any lien or charge upon the bonds of the Townships of Lochiel and Kenyon, mentioned in the said deed of amalgamation, nor upon the first five thousand dollars of Ontario Government subsidy referred to in the said deed or schedule hereto.

Security for the same by deed.

What deed shall contain.

Power to hold and sell railway.

Proviso.

8. The said Canada Atlantic Railway Company shall have the power to issue to the extent of one million dollars of its whole capital stock as preferential stock of the said Company. Preferential stock.

9. The said mortgage bonds and preferential stock, or the proceeds thereof, shall be applied or appropriated by the said Company in the carrying out of the works authorized by the said draft deed of amalgamation and this Act. Application of funds.

10. The said Canada Atlantic Railway Company shall have the power to amalgamate with any other company or companies, now or hereafter to be incorporated within or without the Dominion of Canada, on such terms and conditions as may be agreed upon between them; and the said Canada Atlantic Railway Company shall also have power to lease or purchase the road or roads of any such other company or companies, or to lease or sell the said Canada Atlantic Railway and Bridge to such other company or companies on such terms and conditions as may be agreed upon between them. Company may amalgamate with other companies.

11. Upon the amalgamation herein provided for taking place all the assets of the said Companies as mentioned in the said draft deed, shall become vested in the said Canada Atlantic Railway Company, and notwithstanding anything in this Act contained, each and every contract, obligation, security, Government and Municipal bonus or subsidy and right whatsoever, belonging or appertaining to either of the said Companies hereby amalgamated, existing at the time of the completion of the said amalgamation, shall be and remain in full force and effect, and shall enure to the sole benefit of the amalgamated Company, except as regards the bonds of the Townships of Lochiel and Kenyon hereinbefore referred to, and the said five thousand dollars of Ontario Government subsidy hereinbefore referred to, which are hereby declared to be vested in such trustee or trustees as the Montreal and City of Ottawa Junction Railway may appoint for that purpose for the benefit and use of the said Company. Property transferred. Time for commencement and completion limited.

12. The foregoing provisions of this Act shall not take effect until the said draft deed and the provisions of this Act be approved of and consented to by a majority of not less than two-thirds in value of the stock in the said Companies respectively represented in person or by proxy by the holders thereof at special general meetings of each of the said Companies called for that purpose as hereinafter provided for, and until the said deed of which a draft is contained in the said schedule shall have been duly executed in duplicate by both of the said Companies, and one of the said duplicates accompanied with proof of the required assent of the said shareholders of the said Companies shall have been deposited in the office of the Secretary of State of Canada, who shall at the expense of said Canada Atlantic Railway Company immediately upon such deposit cause a notice of such deposit to be published in the "Canada Gazette" for one Approval of shareholders to be obtained.

insertion, and immediately upon such publication the said amalgamation and all the said foregoing provisions of this Act shall take effect and be in force.

Meetings, how called.

13. The said special general meetings of the said Companies shall be called immediately after the passing hereof at the usual places of meeting of the said Companies respectively, on two weeks' notice given in the manner provided as to annual general meetings in the said respective Acts of incorporation of the said Companies, and any special general meetings of the said Canada Atlantic Railway Company shall be held as provided for hereafter in the by-laws of the said Company.

Limitation of time.

14. The powers conferred by this Act shall be exercised by the commencement within three years, and the completion within eight years, of the works hereby authorized, in default whereof this Act and the powers thereby granted shall lapse and be null and void.

SCHEDULE.

This deed, made between the Côteau and Province Line Railway and Bridge Company of the first part, and the Montreal and City of Ottawa Junction Railway Company, of the second part—Witnesseth :

Whereas the said parties of the first part were incorporated by statute of the Dominion of Canada, passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-three, and intituled : "*An Act to incorporate the Côteau and Province Line Railway and Bridge Company*," and by the said Act were empowered to lay out, construct and finish a double or single iron railway, of such width or gauge as the said company might see fit, from the line of the Grand Trunk Railway at or near Côteau Landing to the shore of the River Saint Lawrence, crossing the said river by a railway bridge by way of the islands therein to some point in the County of Beauharnois, and thence in as direct a line as may be through the Counties of Beauharnois, Chateauguay, Huntingdon or Napierville, to some point or points on the northern boundary line of the State of New York, in the United States, or in the Town of Saint John's ;

And whereas, by Act of the Dominion of Canada, passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered sixty-one, the time for completion of the said railway was thereby extended as provided by the said Act ;

And whereas, pursuant to the provisions of the said Acts of incorporation, stock to the amount of fifty-five thousand dollars has been subscribed as prescribed by the said Acts ;

And whereas the persons named in the first schedule hereto are the stockholders of the said Company, holding stock to the amount set opposite their names in the said schedule ;

And whereas the assets of the said Company, the parties hereto of the first part, are as specified in the second schedule hereto annexed ;

And whereas the parties hereto of the second part were

incorporated by Act of the Dominion of Canada, chaptered forty-seven and intituled: "*An Act to incorporate the Montreal and City of Ottawa Junction Railway Company*," and by the said Act were empowered to lay out, construct and finish a double or single iron railway, of such width or gauge as the said Company may see fit, from the City of Ottawa to some point at or near the Village of Alexandria, in the County of Glengarry, and thence to some point at or near Côteau Landing on the line of the Grand Trunk Railway, in the County of Soulanges;

And whereas, by statute passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered twenty-eight, the time for completion of the said railway was extended as therein provided;

And whereas, pursuant to the provisions of the said Acts of incorporation, stock has been duly subscribed, and the persons named in the third schedule hereto are the stockholders of the said Company holding paid-up stock to the amounts set opposite their names in the said schedule;

And whereas the assets of the said Montreal and City of Ottawa Junction Railway Company, the said parties of the second part, consist of the properties, grants, bonuses and other property specified in the fourth schedule hereto;

And whereas the said last mentioned Company, the parties hereto of the second part, pursuant to the powers granted by their said Acts, issued bonds of the said Company to the amount of forty thousand dollars ($40,000), which said bonds and the interest due thereon are the property of and now held by one Samuel Mathewson Baylis, who is an assenting party to this agreement;

And whereas, the said parties of the first part have entered into a contract with one Daniel N. Stanton and one Adna P. Balch, bearing date the sixth day of October, one thousand eight hundred and seventy-four:

And whereas, subsequently, on the eighth day of March, one thousand eight hundred and seventy-nine, the said parties of the first part entered into a contract, in its nature supplemental thereto, with the said Stanton and Balch and the Central Vermont Railroad Company, both providing for the construction and completion of the railway and bridge of the said party of the first part:

And whereas, the said parties of the second part have also entered into a contract with the said Stanton and Balch for the construction and completion of the railway of the said parties of the second part, which said last-mentioned contract is evidenced by agreements executed by the said parties of the second part, bearing date the twenty-third day of November, one thousand eight hundred and seventy-eight, and the sixteenth day of January, one thousand eight hundred and seventy-nine:

And whereas, subject to the approval and sanction of the Legislature of the Dominion of Canada, the said parties hereto of the first and second parts desire to amalgamate and consolidate the said two Companies into one, under the name of Canada Atlantic Railway Company, on the terms and conditions hereinafter expressed:

Now this Indenture witnesseth that the said Companies, the parties hereto of the first and second parts respectively, hereby agree each with the other of them, that they, the said two Companies, shall be and they are hereby amalgamated and consolidated as one Company, under the name of Canada Atlantic Railway Company.

The capital stock of the said amalgamated Company shall not exceed in the whole the sum of three million dollars ($3,000,000), to be divided into thirty thousand shares of one hundred dollars ($100) each.

The said respective stockholders of the two Companies hereby amalgamated, and whose names are set out in the first and third schedules hereto, shall become, and they are hereby declared to be, paid-up stockholders in the said amalgamated Company for the respective amounts set opposite their names in the said first and third schedules hereto; and the said stockholders last named, and all such other persons and corporations as shall become shareholders in the said amalgamated Company, shall be and become a body corporate and politic by the name of Canada Atlantic Railway Company, and shall have all the powers and privileges conferred on such corporations by the Railway Act of one thousand eight hundred and sixty-eight and amending Acts, subject to the provisions hereinafter contained.

The assets of the said Companies, the parties hereto of the first and second parts respectively, specified in the second and fourth schedules hereto, with the exception of the municipal bonds of Lochiel and Kenyon, granted to the said parties of the second part, are hereby declared to be and are vested in and become the property and assets of the said amalgamated Companies for all the estate, right, title and interest of either of the parties hereto; but it is hereby agreed and provided that the assets of the said parties of the second part, in the fourth schedule hereto specified, except the said Lochiel and Kenyon bonds reserved as aforesaid, shall, no matter by whom said railway be constructed, be applied in the first instance towards the construction and equipment of that portion of the said railway between Ottawa and Côteau Landing, in manner provided by the said agreement, bearing date the sixteenth day of January, one thousand eight hundred and seventy-nine, between the Montreal and City of Ottawa Junction Railway Company and the said Stanton and Balch.

The said amalgamated Company, and their agents and servants, may lay out, construct and finish a double or single iron railway, of such width or gauge as the Company may see fit, from the City of Ottawa to some point at or near the Village of Alexandria, in the County of Glengarry, and thence to some point at or near Côteau Landing in the County of Soulanges, and thence to the Town of Saint John's or to some point on the north-easterly boundary of the State of New York, or on the north-westerly boundary of the State of Vermont, in manner prescribed by the Acts of incorporation of the parties hereto of the first and second parts respectively.

The said hereinbefore recited contracts entered into with the said Stanton and Balch for the construction and comple-

tion of the said railways of the said parties of the first and second part, shall be, and the same are hereby ratified and confirmed by the said amalgamated Company.

The Honorable Donald Alexander Macdonald, Edward McGillivray, John Rankin, Archibald McNab, Ranald S. Macdonald, James Fraser, Peter Kennedy, John Maclennan, M.P., William Goodhue Perley and Guy C. Noble, shall be the first directors of the said amalgamated Companies, and shall hold office as such until other directors shall be elected by the shareholders; and the said directors shall have all the powers vested in the directors of the said Montreal and City of Ottawa Junction Railway Company and Côteau and Province Line Railway and Bridge Company by the respective Acts of incorporation of the said two Companies, and the Railway Act of 1868 and amendments thereto; but it is hereby distinctly agreed by and between the parties hereto, that until the completion of that portion of the said amalgamated railway lying between Côteau and the Town Hall of Kenyon, and the laying of the rails between Côteau and the said Town Hall of Kenyon, and the first locomotive shall have run over the said portion of road, the stockholders who now hold stock in the said Montreal and City of Ottawa Junction Railway Company, or their assigns, shall have the privilege of electing seven directors of the said amalgamated railway, and the shareholders who now hold stock in the Côteau and Province Line Railway and Bridge Company shall have the privilege of electing three directors to the said amalgamated Company, and the said Board of Directors shall be elected in manner aforesaid until the completion of that portion of the said railway from Côteau to the Town Hall of Kenyon, and the rails be laid thereon as aforesaid, after which time the election of directors of the said amalgamated Company shall be in the manner prescribed in this agreement by the shareholders of the said amalgamated Company generally.

All the provisions of and the powers and privileges conferred and given by the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth sections of the said statute passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, and chaptered forty-seven, and all the provisions, privileges and powers conferred and given by the first and third and fourth sections of the said statute, passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered twenty-eight, and all the provisions of, and powers and privileges given and conferred by the fifth, thirteenth, fourteenth and fifteenth sections of the said statute, passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-three, and all the provisions and powers and privileges given and conferred by the said statute, passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered sixty-one, and all the provisions of, and powers and privileges given and conferred by the Railway Act of one thousand eight hundred and sixty-eight and any amendment thereto, except such as are inconsistent herewith, are hereby declared to be applicable to and conferred upon and vested in the said amalgamated Company, and every portion thereof, except that the Directors of the said Com-

pany may not be less than seven nor more than thirteen, and except that, until the completion of that portion of the said railway between Côteau and the Town Hall of Kenyon and the first locomotive shall have run over the said portion of road as aforesaid, the election of directors shall be in manner hereinbefore agreed to.

Any deed of conveyance of land to the said amalgamated Company may be executed in the manner and form prescribed by section seventeen of the said Act, passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, chaptered forty-seven, and the provisions of the said section shall apply to the said amalgamated Company, except that the name of the amalgamated Company shall be substituted in lieu of the Montreal and City of Ottawa Junction Railway Company.

As soon as the amalgamated Company hereby formed is organized, the said Company shall issue bonds as provided by this agreement, and shall deliver forty thousand dollars ($40,000) of such bonds, or a sufficient amount thereof, to the said Samuel Mathewson Baylis, in redemption of the bonds of the parties of the second part held by him as aforesaid, and the interest and accrued interest thereon, as provided by an agreement made between the said Samuel Mathewson Baylis and the said the Montreal and City of Ottawa Junction Railway Company, bearing date the sixteenth day of January, one thousand eight hundred and seventy-nine.

All the debts and obligations of either of the said Companies legally existing shall be assumed by and become the debts and obligations of the amalgamated Company, and all remedies existing against either of said Companies to enforce such debts or obligations may be enforced against the said amalgamated Company.

All conveyances and deeds, if any, necessary for the further carrying out of the agreement and the amalgamation of the said Companies are to be executed by either party hereto, as may be necessary.

In witness whereof, &c.

First Schedule to the deed between the Côteau and Province Line Railway and Bridge Company and the Montreal and City of Ottawa Junction Railway Company, dated the day of one thousand eight hundred and seventy-nine.

Stockholders of the Côteau and Province Line Railway and Bridge Company :

Names.				Amount Subscribed.
John R. Booth,	26	shares,	$100.00	$ 2,600 00
William G. Perley,	27	shares,	100.00	2,700.00
Guy C. Noble,	320	shares,	100.00	32,000.00
F. S. Stranahan,	10	shares,	100.00	1,000.00
John W. Newton,	10	shares,	100.00	1,000.00
Alfred Coote,	10	shares,	100.00	1,000.00
George W.Hibbard,	10	shares,	100.00	1,000.00

Second Schedule to the deed between the Côteau and Province Line Railway and Bridge Company and the Montreal and City of Ottawa Junction Railway Company, bearing date the day of one thousand eight hundred and seventy-nine.

Assets of the Côteau and Province Line Railway and Bridge Company:

Third Schedule to the agreement between the Côteau and Province Line Railway and Bridge Company and the Montreal and City of Ottawa Junction Railway Company, bearing date the fifteenth day of March, one thousand eight hundred and seventy-nine.

Stockholders of the Montreal and City of Ottawa Junction Railway Company:

Names.					Amount Subscribed.
D. A. Macdonald,	10	shares,	$100.00	each	$1,000.00
James Fraser,	5	shares,	100.00	each	500.00
Peter Kennedy,	5	shares,	100.00	each	500.00
Arch'd McNab,	5	shares,	100.00	each	500.00
R. S. MacDonald,	5	shares,	100.00	each	500.00
E. McGillivray,	5	shares,			500.00
John Rankin,	5	shares,	100.00	each	500.00

Fourth Schedule to the agreement between the Côteau and Province Line Railway and Bridge Company and the Montreal and City of Ottawa Junction Railway Company, bearing date the fifteenth day of March, one thousand eight hundred and seventy-nine.

Assets of the Montreal and City of Ottawa Junction Railway Company:

Ontario Government Bonus, $4,000 per mile for 67½ miles in Ontario	$270,000
City of Ottawa Bonus	100,000
Balance, Kenyon & Lochiel Bonus	30,000
Total	$400,000

In addition to the above, fully 25 miles of the road is already graded.

No. 30.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the "Côteau and Province Railway and Bridge Act," and the Act amending the same.

Reprinted as proposed to be amended before the Select Standing Committee on Railways Canals and Telegraph Lines.

(PRIVATE BILL.)

Mr. McLennan.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 31.] **BILL.** [1879.

An Act to amend and consolidate the laws respecting duties imposed on Promissory Notes and Bills of Exchange.

NOTE.—*Those portions only of this Bill which are inclosed in brackets thus [ ] contain new provisions, the other portions consist merely of a consolidation of the provisions of the existing Acts; and the Bill imposes no new duty or charge upon the people.*

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

[1. The Acts thirty-first Victoria, chapter nine, thirty-third Victoria, chapter thirteen, thirty-seventh Victoria, chapter forty-seven, and forty-first Victoria, chapter ten, are hereby repealed; Provided always, that all Acts or enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done under them or any of them shall remain valid, and all penalties incurred under them or any of them may be enforced and recovered, and all proceedings commenced under them or any of them may be continued and completed under this Act, which shall not be construed as a new law but as a consolidation and continuation of the repealed enactments with and subject to the amendments hereby made.] Acts repealed Proviso; saving things done, &c.

2. In this Act the word "Bank" means and includes any chartered bank, and any banking institution, and any branch or agency thereof. Interpretation. "Bank."

The word "Broker" means and includes any broker or person by repute doing the business of brokerage. "Broker."

The word "Instrument" means and includes any promissory note, bill of exchange or part thereof, draft or order upon which a duty is payable under the Act thirty-first Victoria, chapter nine. 37 Vic., cap. 47, s. 5. "Instrument."

3. The duties imposed by this Act shall be duties within the meaning and purview of the Act passed in the now last Session, intituled: *An Act to provide for the better auditing of the Public Accounts*, and the proceeds of the said duties shall form part of the Consolidated Revenue Fund of this Province. 31 V c. 9, s. 17. Act 41 V. c. 7, to apply to duties under this Act.

4. Upon and in respect of every promissory note, draft or bill of exchange, for an amount not less than twenty-five dollars, made, drawn or accepted in Canada, upon or after the first day of February, in the year one thousand eight hundred and sixty-eight, there shall be levied, collected and Duties on Notes, Drafts and Bills.

paid to Her Majesty, for the public uses of the Dominion, the duties hereinafter mentioned, that is to say :—

The duties.

On each such promissory note, and on each such draft or bill of exchange, a duty of one cent, if such note, bill or draft, amounts to but does not exceed twenty-five dollars; a duty of two cents if the amount thereof exceeds twenty-five but does not exceed fifty dollars, —and a duty of three cents if the amount thereof exceeds fifty dollars but is less than one hundred dollars ;

On each such promissory note, and on each such draft or bill of exchange for one hundred dollars or more, executed singly, a duty of three cents for the first hundred dollars of the amount thereof, and a further duty of three cents for each additional hundred dollars or fraction of a hundred dollars of the amount thereof;

On each such draft or bill of exchange executed in duplicate, a duty of two cents on each part for the first hundred dollars of the amount thereof, and a further duty of two cents for each additional hundred dollars or fraction of a hundred dollars of the amount thereof;

On each such draft or bill of exchange executed in more than two parts, a duty of one cent on each part for the first hundred dollars of the amount thereof, and a further duty of one cent for each additional hundred dollars or fraction of hundred dollars of the amonnt thereof;

And any interest made payable at the maturity of any bill, draft or note, with the principal sum, shall be counted as part of the amount thereof. 31 V. c. 9. s. 1.

What shall be deemed instruments liable to duty.

5. Every bill, draft, order or instrument—

For the payment of any sum of money by a bill or promissory note, whether such payment be required to be made to the bearer or to order,—

Every document usually termed a letter of credit, or whereby any person is entitled to have credit with, or to receive from or draw upon any person for any sum of money,—

And every receipt for money, given by any bank or person, and entitling the person paying such money, or the bearer of such receipt, to receive the like sum from any third person,—

Shall be deemed a bill of exchange or draft chargeable with duty under this Act. 31 V. c. 9, s. 2.

Instruments exempted from duty.

6. Every bill of exchange, draft or order drawn by any officer of Her Majesty's Commissariat, or by any other officer in Her Majesty's Imperial or Provincial Service, in his official capacity, or any acceptance or endorsement by such officer on a bill of exchange drawn out of Canada, or any draft of or on any bank payable to the order of any such officer in his official capacity, as aforesaid, or any note payable on demand to bearer issued by any chartered bank in Canada,

or by any bank issuing such note under the Act, chapter fifty-five of the Consolidated Statutes of the late Province of Canada, intituled: *An Act respecting Banks and freedom of Banking*, shall be free from duty under this Act, and—

Any cheque upon any chartered bank, if the same shall be payable on demand,—

Any post office money order, or order on any post office savings bank, and

Any municipal debenture or coupon of such debenture,—

shall be free of duty under this Act. 31 V. c. 9, s. 3.

No duty under certain Acts, on Notes, &c., made after 1st February, 1868.

7. No duty shall be payable under the Act of the Legislature of the late Province of Canada, passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chapter four, or under the Act of the said Legislature, passed in the twenty-ninth year of Her Majesty's reign, chapter four, on any promissory note, draft or bill of exchange made, drawn or accepted, upon or after the said first day of February, one thousand eight hundred and sixty-eight; but to all promissory notes, drafts or bills of exchange made, drawn or accepted in the late Province of Canada, or in the Province of Quebec or Ontario, before the said day, and to all offences committed and penalties incurred in respect thereof, the said Acts shall continue to apply. 31 Vic. chap. 9, s. 18.

No duty on bills drawn and payable out of Canada.

8. Notwithstanding anything in this Act contained, no bill of exchange drawn and payable outside of the Dominion of Canada shall be invalid, nor shall the maker or any owner or holder of any such bill be subject to any penalty in consequence of no stamp or stamps of this Dominion being affixed to such bill. 37 V. c. 47, s. 4.

Exemption of notarial instruments.

9. Neither this Act nor any of the Acts hereby repealed shall be construed to require or to have required that any stamp be impressed on or affixed to any instrument executed *en brevet* or otherwise before a Notary in his official capacity. 41 V. c. 10, s. 7.

How the duties shall be paid.

10. The duty on any such promissory note, draft, bill of exchange or part thereof, shall be paid by making it upon paper stamped in the manner hereinafter provided, to the amount of such duty, or—

By adhesive stamps.

By affixing thereto an adhesive stamp or adhesive stamps of the kind hereinafter mentioned, to the amount of such duty, or—

By stamped paper and stamps.

[*By making the instrument on stamped paper, and affixing thereto, adhesive stamps for the portion of the duty to which the instrument is liable in excess of what is represented by the stamped paper*;]

Cancelling adhesive stamps.

[*In either case the adhesive stamps, shall be cancelled by writing thereon*] the signature or part of the signature of the maker or drawer, or in the case of a draft or bill made or drawn out of Canada of the acceptor or first indorser in Canada, or his initials, or some integral or material part of the instrument shall be written, so as (as far as may be prac-

ticable) to identify each stamp with the instrument to which it is attached, and to show that it has not before been used, and to prevent its being thereafter used for any other instrument, or—

The same.

The person affixing such adhesive stamp, shall, at the time of affixing the same, write or stamp thereon the date at which it was affixed; and such stamp shall be held *prima facie* to have been affixed at the date stamped or written thereon:

Penalty for non-compliance with this section.

And if no integral or material part of the instrument nor any part of the signature of the maker, drawer, acceptor or first indorser in Canada be written thereon, nor any date be so stamped or written thereon, or if the date do not agree with that of the instrument, such adhesive stamp shall be of no avail; and any person wilfully writing or stamping a false date on any adhesive stamp shall incur a penalty of one hundred dollars for each such offence. 31 V. c. 9, s. 4.

By whom the stamps shall be affixed.

11. The stamp or stamps required to pay the duty hereby imposed shall, in the case of any promissory note, draft or bill of exchange made or drawn within Canada, and not made upon paper stamped to the amount of the duty, be affixed by the maker or drawer thereof, and in the case of any draft or bill of exchange drawn out of Canada, by the acceptor thereof or the first indorser thereof in Canada; and such maker or drawer, acceptor or first indorser, failing to affix such stamp or stamps at the time of making, drawing, accepting or indorsing such note, draft or bill, or affixing stamps of insufficient amount, shall thereby incur a penalty hereinafter imposed, and the duty payable on such instrument, or the duty by which the stamps affixed fall short of the proper amount, shall be doubled; stamps upon the paper being deemed to be affixed thereto for all the purposes of this Act; and any deficiency in the amount of the stamp on the paper may be made up by adhesive stamps. (31 Vic. cap. 9, s. 10.)

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

12. If any person in Canada makes, draws, accepts, endorses, signs, becomes a party to, or pays any promissory note, draft or bill of exchange, chargeable with duty under this Act, before the duty (or double duty as the case may be) [*or by making it on stamped paper or by both ways*] has been paid, by affixing thereto the proper stamp or stamps, such person shall thereby incur a penalty of one hundred dollars, and save only in the case of payment of double duty, as in the next section provided, such instrument shall be invalid and of no effect in law or in equity, and the acceptance, or payment, or protest thereof, shall be of no effect;

Presumption in suits for penalty.

and in suing for any such penalty, the fact that no part of the signature of the party charged with neglecting to affix the proper stamp or stamps, is written over the stamp or stamps affixed to any such instrument, or that of date, or a date that does not correspond with the time when the duty ought to have been paid, is written or marked on the stamp or stamps, shall be *primâ facie* evidence that such party did not affix it or them as required by this Act; but no party to or holder of any such instrument shall incur any penalty by reason of

the duty thereon not having been paid at the proper time, and by the proper party or parties, provided that at the time it came into his hands it had affixed to it stamps to the amount of the duty apparently payable upon it, that he had no knowledge tha they were not affixed at the proper time, and by the proper party or parties, and that he pays the double or additional duty as in the next section provided, as soon as he acquires such knowledge. (33 Vict., cap. 13, sec. 1.)

Innocent holder of unstamped or insufficiently stamped note, &c., may make it valid by payment of double duty, &c.

13. Any holder of such instrument may pay double duty by affixing to such instrument a stamp or stamps to the amount thereof or to the amount of double the sum by which the stamps affixed fall short of the proper duty, and by writing his initials on such stamp or stamps, and the date on which they were affixed; and where, in any suit or proceeding in law or equity, the validity of any such instrument is questioned by reason of the proper duty thereon not having been paid at all, or not paid by the proper party, or at the proper time, or of any formality as to the date or erasure of the stamps affixed having been omitted, or a wrong date placed thereon, and it appears that the holder thereof, when he became such holder, had no knowledge of such defects, such instrument shall be held to be legal and valid, if it shall appear that the holder thereof paid double duty, as in this section mentioned, so soon as he acquired such knowledge, even although such knowledge shall have been acquired only during such suit or proceeding; and if it shall appear in any such suit or proceeding to the satisfaction of the Court or Judge, as the case may be, that it was through mere error or mistake, and without any intention to violate the law on the part of the holder, that any such defect as aforesaid existed in relation to such instrument, then such instrument or any endorsement or transfer thereof, shall be held legal and valid, if the holder shall pay the double duty thereon as soon as he is aware of such error or mistake, but no party who ought to have paid duty thereon shall be released from the penalty by him incurred as aforesaid. (37 Vict. cap. 47, s. 2.)

Provisions for validity by payment of double duty extended to bills, &c., drawn out of but payable in Canada.

14. The provisions whereby validity may be given to bills of exchange, drafts and promissory notes when drawn or made within Canada, by the payment of double duty thereon, shall for the same purposes and to the same effect, extend to such instruments when drawn or made without Canada but payable in Canada, when stamps to the amount of double duty upon such instruments shall be affixed and cancelled in the same mode as stamps in payment of double duty are affixed and cancelled to such instruments when made or drawn within Canada. 41 V. c. 10, s. 2.

When single duty may be paid on such bills, &c.

15. It shall be sufficient in the case of any bill of exchange, draft or promissory note drawn or made without Canada but payable within Canada, in order to comply with the law, for any bank, broker, holder or party to such instrument, at the time of the acceptance, or endorsation thereof, to affix thereto and cancel the proper single stamps therefor; and the date of cancellation to be marked thereon shall be

the true date of such cancellation, and such date need not agree with the date of the instrument. 41 V. c. 10, s. 1.

As to lost or destroyed bills, &c.

16. In the case of a suit to recover upon, or a defence of set-off upon a lost or destroyed bill of exchange, draft or promissory note, where there is no evidence that such instrument had been properly stamped, and when the validity of the instrument in question is contested on the ground of insufficient stamps or want of stamps, the Court having cognizance of the suit, may at any stage of the proceeding, in order to give validity to the same, allow double stamps for the requsite amount to be affixed to the record, or to any other paper or proceeding in the cause, and cancelled by or on behalf of the party interested in maintaining the validity of the instrument, plaintiff or defendant, as the case may be. 41 V. c. 10, s. 4.

In what case only penalty shall be enforced as to unstamped bills, &c., after payment or settlement thereof.

17. After a note or instrument requiring to be stamped under this Act has been settled or paid, no penalty shall be enforced against any party thereto, or against any person or corporation who had been the holder thereof, by reason of such note or instrument having been insufficiently stamped, or the stamps thereon insufficiently effaced; unless it be proved, that the party from whom a penalty is demanded, was aware before, or at the date of the maturity of such note or instrument, of the defect in the stamping thereof, or in the effacing of the stamps thereon, and did not thereupon affix double stamps thereto, in the manner provided by this Act. And the reception of such note or instrument by any party to such note or instrument, or by the holder thereof, whether such holder be a corporation or not, or by any employer or agent of such party or holder, shall not be evidence sufficient to justify a conviction or such penalty. 41 V. c. 10, s. 6.

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

18. In the case of a bill of exchange, draft or promissory note found amongst the securities of a deceased person, unstamped, it shall be sufficient, in order to give validity thereto, for the executor or administrator, to affix and cancel double stamps thereon, with the date of such cancellation and with the initials of the party cancelling the same. 41 V. c. 10, s. 3.

Unstamped bills, &c., admissible in evidence in criminal cases.

19. Every instrument liable to stamp duty shall be admitted in evidence in any criminal proceeding, although it may not have the stamp required by law impressed thereon or affixed thereto. 41 V. c. 10, s. 5.

Stamped paper may be preparedd.

20. The Governor in Council may, from time to time, direct stamped paper to be prepared for the purposes of this Act, of such kinds and bearing respectively such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund; but the device on each stamp shall express the value thereof, that is to say the sum at which it shall be reckoned in payment of the duties imposed by this Act. 31 V. c. 9, s. 5.

21. The Governor in Council may from time to time direct stamps to be prepared for the purposes of this Act, of such kinds and bearing respectively such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund; but the device on each stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the duties hereby imposed. 31 V. c. 9, s. 6. And adhesive stamps.

22. The Minister of Inland Revenue may appoint any Postmasters, Collectors of Inland Revenue, or other officers of the Government to be the distributors of stamps and stamped paper, under this Act, and may authorize any other person to purchase stamps from such distributors to sell again;—and the Governor in Council may fix the remuneration to be allowed to such distributors, and the discount to be made to persons so purchasing to sell again; but such discount shall in no case exceed five per cent. on the value of such stamps, and shall not be allowed on any quantity less than one hundred dollars 31 V. c. 9, s. 7. Sale and distribution of stamped paper and stamps.

23. The Governor in Council may make such further regulations as he may deem necessary for carrying this Act into effect, and may, by an Order in Council, declare that any kind or class of instruments as to which doubt may arise, are or are not chargeable with and what duty under this Act according to the true meaning thereof; and any Order in Council made under this Act may be explained, amended or repealed by any other such order of later date; and any Order in Council under this Act shall be published, and may be proved in the manner provided by the Act respecting the Customs as to Orders in Council under that Act. 31 V. c. 9, s. 8. Governor in Council may make regulations to meet doubtful cases.

24. If any person forges, counterfeits or imitates or procures to be forged, counterfeited or imitated, any stamp or stamped paper, issued or authorized to be used for the purposes of this Act, or by means whereof any duty hereby imposed may be paid, or any part or portion of any such stamp,—or knowingly uses, offers, sells or exposes to sale, any such forged, counterfeited or imitated stamp,—or engraves, cuts, sinks or makes any plate, die or other thing whereby to make or imitate such stamp or any part or portion thereof, except by permission of the Minister of Inland Revenue, or some officer or person who, under an Order in Council in that behalf, may lawfully grant such permission,—or has possession of any such plate, die or other thing, without such permission,—or, without such permission uses or has possession of any such plate, die or thing lawfully engraved, cut or made,—or tears off or removes from any instrument, on which a duty is payable under this Act, any stamp by which such duty has been wholly or in part paid,—or removes from any such stamp any writing or mark indicating that it has been used for or towards the payment of any such duty—such person shall be guilty of felony, and shall, on conviction, be liable to be imprisoned in the Penitentiary for any term not exceeding twenty-one Punishment for forging stamps or having instruments for forging.

years; and every such offence shall be forgery, and punishable in the manner in which that crime is punishable by the laws of Canada. 31 V. c. 9, s. 16.

Penalty on bank or broker making, buying or taking note not duly stamped.

25. Notwithstanding anything herein contained any bank or any broker who makes, draws or issues or negotiates, presents for payment, or pays, or takes, or receives, or becomes the holder of any instrument not duly stamped, either as a deposit, or in payment, or as a security, or for collection or otherwise, knowing the same not to be duly stamped, and who does not immediately on making, drawing, issuing, negotiating or presenting for payment, or paying, or taking, or receiving or becoming the holder of such instrument, affix thereto and cancel the proper stamps within the meaning of this Act, shall incur a penalty of five hundred dollars for every such offence; and shall not be entitled to recover on such instrument, or to make the same available for any purpose whatever, and any such instrument shall be invalid and of no effect in law or equity. 37 V. c. 47, s. 3.

Penalty for affixing stamps already used.

26. If any person wilfully affixes to any promissory note draft or bill of exchange, any stamp which has been previously affixed to any other, or used for the purpose of paying any duty under this Act, or any other Act, or which has been in any way previously written upon or defaced, such person shall be guilty of a misdemeanor, and shall thereby incur a penalty of five hundred dollars. 39 V. c. 9, s. 13.

Penalty incurred on each instrument, though several, be made on the same day.

27. The penalties hereinbefore imposed shall be incurred in respect of each such promissory note, draft or bill of exchange, on which the duty or double duty hereby imposed is not paid as aforesaid, or to which a stamp previously used has been fraudulently affixed, whatever be the number of such instruments executed, accepted, paid or delivered, or offences committed on the same day; and a separate penalty to the full amount shall be incurred by each person committing such offence, whatever be the number of such persons. 31 V. c. 9, s. 14.

Recovery of penalties not otherwise provided for.

28. The penalties imposed by the foregoing sections of this Act, shall be recoverable in the manner prescribed by the Interpetration Act in cases where penalties are imposed and the recovery is not otherwise provided for. 31 Vict., cap. 9, s. 15.

No. 31.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

An Act to amend and consolidate the laws respecting duties on Promissory Notes and Bills of Exchange.

Received and read, first time, Friday, 7th March, 1879.

Second reading, Monday, 10th March, 1879.

Mr. BABY.

OTTAWA:

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

1879.

No. 32.] **BILL.** [1879.

An Act to amend "An Act to provide for more effectual inquiry into the existence of Corrupt practices at Elections of Members of the House of Commons."

Preamble. 39 V. c. 10.

WHEREAS it is expedient to amend the Act intituled: "*An Act to provide for more effectual enquiry into the existence of Corrupt Practices at Elections of Members of the House of Commons,*" by requiring security to be given to meet the expenses of the enquiry in certain cases as hereinafter provided: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 3 amended. Petitioner must deposit $1,000 with the accountant.

1. The person or persons presenting a petition to the House of Commons under the provisions of the third section of the Act hereby amended, shall deposit with the Accountant of the House the sum of one thousand dollars, and such petition shall not be received by the House of Commons unless such deposit shall have first been made; and to the said petition on its presentation there shall be attached a certificate, given under the hand of the said Accountant, certifying that the said deposit of one thousand dollars has been duly made.

Application of the money if the petitioner fails.

2. Whenever by the report of the Commissioner or Commissioners appointed to investigate and inquire into the matters set forth in such petition, it appears that the petition was not well founded, and that corrupt practices had not extensively prevailed within the electoral district referred to in the petition, at the election referred to therein, then the said sum of one thousand dollars or so much thereof as is required for the purpose, shall be applied to pay the expenses of the enquiry, and the balance remaining after paying such expenses shall be paid to the person or persons making such deposit.

Money to be returned to him if he succeeds.

3. Whenever by the report of the Commissioner or Commissioners appointed to investigate and inquire into the matters set forth in such petition, it appears that the petition was well founded and that corrupt practices had extensively prevailed within the electoral district referred to in the petition, at the election referred to therein, then the said sum of one thousand dollars shall be paid back to the person or persons depositing the same.

No. 32.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend "An Act to provide for more effectual inquiry into the existence of Corrupt practices at Elections of Members of the House of Commons."

Received and read, first time, Friday, 7th March, 1879.

Second reading, Monday, 10th March, 1879.

Mr. IVES.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 33.] **BILL.** [1879.

An Act to amend "An Act to extend certain provisions of 'The Seamen's Act, 1873,' to vessels employed in navigating the Inland Waters of Canada."

Preamble.

WHEREAS it is expedient to amend in the manner hereinafter mentioned, the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to extend certain provisions of 'The Seamen's Act, 1873,' to vessels employed in navigating the Inland waters of Canada*;" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

38 V., c. 29.

Word "seamen" interpreted.

1. In the said Act, "Seamen" shall include every person (except masters, certificated engineers and pilots) employed or engaged in any capacity on board any ship.

Sect. 3 amended.

2. The words "if the master thinks fit" in the second and seventh lines, respectively, from the end of section three of the said Act, are hereby repealed.

Sect. 11 repealed.

3. Section eleven of the said Act is hereby repealed, and following section substituted therefor:

New sect. substituted.

"11. In cases where the service of any seaman or engineer belonging to any ship subject to the provisions of this Act, terminates before the period contemplated in the agreement, by reason of the wreck or loss of the ship, such seaman or engineer shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period."

Wages in case of wrecks.

Expenses of medical attendance, and in case of injury in ship's service.

4. If the master, or any engineer or seaman receives any hurt or injury in the service of any 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 to the place from which he shipped, or his place of residence, and of his conveyance to such place, shall be defrayed by the owners of such ship, without any deduction on that account from the wages of such master, engineer or seaman.

Wages in case of illness or inability, other than from wilful act or default.

5. In case the master or any engineer or seaman is left on shore at any place abroad, under any certificate granted by competent authority, of his illness or inability to proceed on the voyage, unless such illness or inability is caused by his own wilful act or default, he shall be entitled to wages for the time of service prior to his being left ashore, as well as to sufficient means to convey him to the place from which he shipped or his place of residence, whichever may be the nearer.

Case of seamen or engineer desiring to land in order to make complaint, provided for.

6. If any seaman or engineer, whilst on board ship, states to the master that he desires to make complaint to any Justice of the Peace or other officer, as provided by the said Act, against the master, engineer or any seaman, the said master shall, if the ship is then at a place where there is such Justice or any other officer as aforesaid, so soon as the service of the ship will permit, allow such engineer or seaman to go ashore in proper custody, so that he may be enabled to make such complaint, and shall in default incur a penalty not exceeding dollars, to be recoverd and applied as provided in the thirtieth section of the said Act.

Sub-sect. 2 of sect. 17 amended.

7. Sub-section two of section seventeen is amended by striking out the words between the word "period" in the ninth line, and the word "not" in the tenth line.

Fine may be substituted for imprisonment in certain cases.

8. In all cases where punishment for any offence, except one which is by the Act constituted a misdemeanor, is provided by the said Act, the convicting Justice or Justices may, instead of imprisonment, inflict a fine in his or their discretion not exceeding the sum of dollars, to be recovered as other fines and penalties imposed by the said Act are recoverable.

Sect. 24 amended.

9. Section twenty-four is amended by striking out all after the word "Canada" in the fourteenth line, and inserting the following: "and in all other cases of forfeiture of wages under the provisions hereinbefore contained, the same shall be paid over to the Receiver-General to form part of the Consolidated Revenue Fund of Canada."

Sec. 30 repealed.

10. Section thirty is hereby repealed

No. 33.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend "An Act to extend certain provisions of 'The Seaman's Act, 1873,' to vessels employed in navigating the Inland Waters of Canada."

Received and read, first time, Monday, 10th March, 1879.

Second reading, Wednesday, 12th March, 1879.

Mr. RYKERT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1879.

No. 34. **BILL.** [1879.

An Act to repeal the Act (40 Vict., Chap. 21) to establish a Court of Maritime Jurisdiction in the Province of Ontario.

Preamble. WHEREAS the Act hereinafter mentioned has been found ill-adapted to the circumstances, shipping and navigation of the Province of Ontario; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Act 40 V., c. 21, repealed. 1. The Act passed in the fortieth year of Her Majesty's reign and intituled, "*An Act to establish a Court of Maritime Jurisdiction in the Province of Ontario,*" is hereby repealed.

No. 34.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to repeal the Act, 40 Vict. Chap. 21, to establish a Court of Maritime Jurisdiction in the Province of Ontario.

Received and read first time, Monday, 10th March, 1879.

Second reading, Wednesay, 12th March, 1879.

Mr. McCuaig.

OTTAWA:

Printed by MacLean, Roger & Co.

1879.

No. 35.] **BILL.** [1879.

An Act to regulate the Rate of Interest in Canada, and to prohibit Usury.

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

1. The rate of six per centum per annum shall be, for the whole Dominion of Canada, the legal rate of interest. Legal rate, 6 per cent.

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

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

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

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

Existing contracts not affected.

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

Application of Act.

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

Repealing clause.

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

Short title.

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

Commencement of Act.

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

No. 35.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act fixing the Rate of Interest in Canada and prohibiting Usury.

Received and read, first time, Monday, 10th March 1879.

Second reading, Wednesday, 12th March, 1879.

Mr MÉTHOT.

OTTAWA:
Printed by MacLean, Roger & Co.
1879.

No. 36.] **BILL.** [1879.

An Act to revive and amend the Acts relating to the Union Assurance Company of Canada, and to change the name thereof to the "Crown Assurance Company of Canada."

Preamble. WHEREAS application hath been made by petition for the passing of an Act to revive the Acts incorporating the Union Assurance Company, and to extend the time limited thereby, and to change the name of the Company, and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 39 V. c. 54; 40 V. c. 75.

Acts of incorporation revived. **1.** The Act passed in the thirty-ninth year of Her Majesty's reign, chaptered fifty-four and intituled "*An Act to incorporate the Union Life and Accident Assurance Company of Canada*," and the Act passed in the fortieth year of Her Majesty's reign, chaptered seventy-five and intituled "*An Act to amend the Act incorporating the Union Life and Accident Assurance Company of Canada, and to change the name thereof to the Union Assurance Company of Canada*," are hereby declared to be in full force and effect, subject to the alterations and amendments in this Act contained.

Time extended. **2.** The time limited by the twenty-ninth section of the said firstly cited Act is hereby extended for the period of two years from the passing of this Act.

Name changed. **3.** The corporate name of the said Company is hereby changed to that of the "Crown Assurance Company of Canada."

No. 36.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to revive and amend the Acts relating to the Union Assurance Company of Canada, and to change the name thereof to the "Crown Assurance Company of Canada."

Received and read, first time, Monday, 10th March, 1879.

Second reading, Wednesday, 12th March, 1879.

(PRIVATE BILL.)

Mr. KILVERT.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1879.

No. 37) **BILL.** [1879

An Act to provide against Infectious or Contagious Diseases affecting Animals.

WHEREAS it is expedient better to provide against the introduction and spread of Infectious or Contagious Diseases among animals: Therefore 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 "Cattle" means bulls, cows, oxen, heifers and calves; Interpretation of word, Cattle.

"Animals" means, except where it is otherwise expressed, cattle, sheep, horses, swine, goats and all other animals of whatsoever kind; Animals.

"Foreign Animals" means animals not already introduced within Canadian territory; Foreign animals.

"Infectious" means communicable in any manner whatever even at a distance; Infectious.

"Contagious" means communicable by close contact or inoculation. Contagious.

1. It shall be the duty of every cattle or farm stock owner, and of every breeder of or dealer in cattle or other animals, or of any one bringing foreign animals into Canada, on perceiving the appearance of infectious or contagious diseases among the cattle or other animals owned by him or under his specialc are, to give immediate notice thereof to the Minister of Agriculture, at Ottawa, of the fact or facts discovered by him as afresaid. Notice of disease to be given to Minister of Agriculture.

Negligence to comply with the present enactment shall entail upon the owner of the said diseased animals the penalty of not being entitled to nor granted any compensations for cattle or animals slaughtered in accordance with the provisions of this Act. Malicious or fraudulent concealment of the existence of disease among cattle or other animals shall subject the person so acting, on conviction thereof, to forfeit and pay a sum not exceeding two hundred dollars. Penalty for neglect. Or fraudulent concealment of disease.

2. If any person turn out, keep or graze any animal knowing such animal to be infected with or laboring under any infectious or contagious disorder, or having been exposed to infection or contagion, in or upon any forest, wood, moor, beach, marsh, common, waste-land, open field, roadside or other undivided or unenclosed land, such person shall, on conviction thereof, forfeit and pay a sum not exceeding two hundred dollars. Penalty for keeping diseased animals

Penalty for bringing such animals to market, &c.

3. Any person bringing or attempting to bring into any market, fair or other place, any animal known by him to be infected with or laboring under any infectious or contagious disorder, shall, upon conviction thereof, forfeit and pay for every such offence a sum not exceeding two hundred dollars.

For throwing carcass into rivers, &c.

4. Any person throwing or placing, or causing or suffering to be thrown or placed, into or in any river, stream, canal, navigable or other water, or into or in the sea, within ten miles of the shore, the carcass of an animal which has died of disease or been slaughtered as diseased, or suspected of disease, shall, on conviction thereof, forfeit and pay a sum not exceeding two hundred dollars.

For digging up any such carcass buried.

5. Any person who, without lawful authority or excuse digs up or causes or allows to be dug up a carcass buried of an animal having died or been suspected of having died from infectious or contagious disease, shall, on conviction thereof, forfeit and pay a sum not exceeding one hundred dollars.

Such animals if offered for sale to be seized and reported to the mayor, &c.

6. In case any animal infected with or laboring under any infectious or contagious disorder, be exposed or offered for sale, or be brought or attempted to be brought for the purpose of being exposed or offered for sale in any market, fair or other open or public place where other animals are commonly exposed for sale, then, and in any such case, it shall be lawful for any clerk or inspector, or other officer of such fair or market, or for any constable or policeman, or for any other person authorized by the mayor or reeve, or by any justice of the peace having jurisdiction in the place, or for any person authorized or appointed by the Governor, to seize the same, and to report the seizure to the mayor or reeve, or to any justice of the peace having jurisdiction in the place; and it shall be lawful for such mayor, reeve or justice, to cause the same, together with any pens, hurdles, troughs, litter, hay, straw or other articles which he may judge likely to have been infected thereby, to be forthwith destroyed, or otherwise disposed of, in such manner as he shall deem proper, or as may be directed, as provided by this Act.

Who may cause them, with things supposed infectious, to be destroyed.

Railway companies to provide water and food for animals carried. Penalty for default.

7. Every railway company shall make a provision of water and food, or either of them, for animals carried or about to be carried on the railway of the company, and in default hereof, shall be guilty of an offence against this Act, and on conviction, shall forfeit and pay a sum not exceeding fifty dollars. The water and food so provided, or either of them, shall be supplied to any such animal by the company carrying it, on the request of any person in charge thereof, or of any inspector or person employed by the Minister of Agriculture. In the case of the allowing of an animal to remain without a supply of water for twelve consecutive hours, the consignor, or the person in charge of the animal, or the railway company, if it comes from the want of water being furnished by them, shall be guilty of an offence against this

How to be supplied.

Penalty for notfurnishing for 12 hours.

Act, and on conviction thereof shall forfeit and pay a sum not exceeding fifty dollars.

Effect of foregoing sections.

8. The foregoing seven sections of this Act shall have their force and affect at all times, even in the absence of Orders in Council as hereinafter provided.

Governor in Council may prohibit importation of animals and certain articles.

9. The Governor may, from time to time, by Order in Council, prohibit the importation or the introduction into Canada, or any part thereof, or into any particular port or ports thereof, of cattle, sheep, horses, swine or other animals, or of flesh, hides, hoofs, horne or other parts of animals, or of hay, straw, fodder or other article either generally or from any place or places that may be named in such order, for such period or periods as he may deem to be necessary for the purpose of preventing the introduction of any contagious or infectious disorder among animals in Canada.

May make regulations for subjecting animals to quarantine, &c.

10. The Governor may, from time to time, by Order in Council, make such regulations for subjecting sheep, cattle, horses, swine or other animals to quarantine, or for causing the same to be destroyed upon their arrival into Canada, or for destroying any hay, straw, fodder or other article whereby it appears to him that infection or contagion may be conveyed, and generally may make such regulations with respect to the importation or introduction into Canada of animals, as he may consider to be necessary in order to prevent the introduction of any infectious or contagious disorder into Canada; and the Governor may also, by Order in Council, make such regulations as he may deem necessary for the keeping separate, treatment and disposal of, and dealing generally with animals affected with contagious diseases, or suspected of being so affected, and for the prevention of the spread of infectious and contagious diseases.

And for separation of diseased animals.

Forfeiture of animals imported contrary to Order in Council.

11. If any sheep, cattle, horse, swine or other animal be imported or introduced, or attempted to be imported or introduced into Canada, contrary to the provisions of any Order made in pursuance of this Act, the same shall be forfeited and may be forthwith destroyed, or disposed of, as the Minister of Agriculture, or person employed by him may direct; and everyperson importing or introducing, or attempting to import or introduce, any animal into Canada, contrary to the provisions of any such Order or regulation, shall be liable to a penalty not exceeding two hundred dollars for every animal so imported or introduced, or attempted to be imported or introduced by him.

Penalty for attempting importation.

Governor in Council may make regulations, for certain purposes, in order to prevent infection or contagion.

12. The Governor may, from time to time, by Order in Council, make such regulations as to him may seem necessary for the purpose of segregating and confining animals within certain limits, of declaring infected places, of establishing districts of inspection, or of quarantine and of prohibiting or regulating the removal to or from such parts of or places in Canada as he may designate in such order or regulations, of sheep, cattle, horses, swine or other

animals, or of meat, skins, hide, horns, hoofs, or other parts of any animals, or of hay, straw, fodder or other articles likely to propagate infection; and also for the purpose of purifying any yard, stable, outhouse or other place, or any wagons, carts, carriages, cars or other vehicles, or any vessels; and also for the purpose of directing how any animals dying in a diseased state, or any animals, parts of animals, or other things seized under the provisions of this Act, are to be destroyed or otherwise disposed of, and also for the purpose of causing notices to be given of the appearance of any disorder among sheep, cattle, horses, swine or other animals, and to make any other order or regulations for the purpose of giving effect to the provisions of this Act and again to revoke, alter or vary any such orders or regulations; and all provisions for any of the purposes aforesaid in any such Order in Council contained shall have the like force and effect as if the same had been inserted in this Act; and every person offending against the same shall, for each and every offence, forfeit and pay such sum, not exceeding two hundred dollars, as the Governor may, in any case, direct to be forfeited and paid for contravention thereof.

Purification of infected places, &c.

Disposal of diseased animals, &c.

Notice of disease.

Legal effect of such regulations.

Penalty for contravention.

Slaughering diseased animals.

13. The Governor may, from time to time, by Order in Council, cause to be slaughtered animals laboring under infectious or contagious disease and animals being, or having been, in contact with or close proximity to a diseased animal or to an animal suspected of infectious or contagious disease.

Compensation to owners in certain cities.

14. The Governor may, by Order in Council, when the owners are reported by the Minister of Agriculture not guilty of any negligence or offence against the provisions of the first six sections of this Act, order a compensation to be paid to the owners of animals slaughtered under the provisions of this Act as follows: Where the animal slaughtered was affected by infectious or contagious disease, the compensation to be one-third of the value of the animal before it became so affected; but so that the compensation do not in any such case exceed twenty dollars. In every other case the compensation to be two-thirds of the value of the animal, but so that the compensation do not in any case exceed forty dollars. In all such cases the value of the animal is to be determined by the Minister of Agriculture; but if such owners or their representatives have been guilty of an offence against the six first sections of this Act, no valuation shall be made, and no compensation shall be paid to them.

Compensation limited.

Value to be determined by Minister.

Proviso.

Defining limits of ports, &c.

15. The Governor in Council may, from time to time, by order, define the limits of ports, of infected places, and of other circumscriptions for the purposes of this Act, and appoint inspectors and other officers when deemed necessary.

Publication of Orders in Council.

16. Orders in Council prohibiting the importation or the introduction of animals in the country, or establishing quarantines for animals, or declaring infected places, or ordering

the slaughtering of animals, shall be twice published in the *Canada Gazette*.

Duty of Inspectors and officers on information received.

17. Inspectors or other officers appointed as aforesaid, on receiving information of the supposed existence of any infectious or contagious disease among animals, shall proceed to the place mentioned with all practicable speed, and execute and discharge the duties relevant to their functions, pursuant to the regulations before mentioned and the instructions receivedby them.

Power to enter and examine suspected localities.

18. Any inspector or other officer appointed as aforesaid may, at any time, enter any common, field, stable, cowshed, or other premises within his district, where he has reasonable ground for supposing that any animal affected with infectious or contagious disease is to be found, for the purpose of this Act, but shall, if required, state in writing he grounds on which he has so entered:

Penalty for refusing admission.

2. If any person refuses admission to such inspector or officer acting under this Act, or regulations or orders passed in conformity with this Act, he shall be deemed guilty of an offence against this Act, and, on conviction thereof, shall forfeit and pay a sum not exceeding fifty dollars.

Inspector's certificate to be *primâ facie* evidence.

19. The certificate of an inspector or an officer as aforesaid to the effect that an animal is affected with an infectious or contagious disease shall, for the purposes of this Act, be *prima facie* evidence in all the Courts of Justice and elsewhere of the matter certified.

Notice to owners of places where disease is found.

20. Where an inspector finds infectious or contagious disease of animals to exist within his district, he shall forthwith make a declaration thereof under his hand, and shall deliver a notice under his hand of such declaration to the occupier of the common, field, stable, cowshed, or other premises where the disease is found; and thereupon the same, with all lands and buildings contagious thereto in the same occupation, shall become and be an infected place; and the same shall be an infected place until the determination and declaration of the Governor in Council relative thereto in this Act provided for:

Consequence of notice.

Report to Minister of Agriculture.

2. Where an inspector makes such a declaration of the existence of infectious or contagious disease of animals, he shall with all practicable speed send a copy thereof to the Minister of Agriculture; and if it appears that infectious or contagious disease exists as declared by the inspector, the Governor in Council, on the report of the Minister of Agriculture, may so determine and declare, and may prescribe the limits of the infected place; but if it appears that it did not exist as declared by the inspector, the Governor in Council may so determine and declare, and thereupon the place comprised in the inspector's declaration, or affected thereby, shall cease to be an infected place.

Duty and power of Minister.

And of Governor in Council.

Area of infectedlocality how defined.

21. The area of an infected place may, in all cases of a declaration by the Governor in Council, include any

common, field, stable, cowshed, or other premises in which infectious or contagious disease has been found to exist, such an area as to the Governor in Council seems requisite ;

Power of Governor in Council.

the Governor in Council may, from time to time, by order, extend the limits of an infected place beyondthe boundaries of the common, field, stable, cowshed, farm, or premises where cattle-plague is declared or found to exist ; and may from time to time curtail such limits.

How area may be defined.

22. The area of an infected place may in any case be described by reference to a map or plan deposited at some specified place, or by reference to townships, parishes, farms, or otherwise.

Order in Council to be evidence.

23. An order of the Governor in Council, declaring a place to be an infected place, shall be conclusive evidence in all courts of justice and elsewhere of the existence of disease and other matters in which the order proceeds

Removal of animals, &c., without license, may be prevented.

24. Regulations and orders may be issued by the Governor in Council to prevent the removal of live animals, hide, skin, hair, offal of any animals, or any part thereof, the carcass or any remains of any animal, any dung of animals, and any hay, straw, litter, or other thing commonly used for or about animals, out of an infected place, without a licence signed by an inspector or other officer appointed as aforesaid.

Penalty for contravention.

25. If any animal, hide, skin, hair, wool, horn, hoof, offal, carcase, meat, dung, hay, straw, litter, or other thing is moved in contravention of the rules of this Act with respect to infected places, any person moving the same, or causing the same to be moved, shall be deemed guilty of an offence against this Act, and, on conviction thereof, shall forfeit and pay a sum not exceeding two hundred dollars.

As to transit through infected places.

26. The provisions of this Act with respect to infected places, shall not restrict the moving of any person, animal or thing by railway or other mode of transport on highways through an infected place, such person, animal or thing not being detained within the infected place, unless such transit is prohibited by the Order of the Governor in Council.

Apprehension of persons offending against this Act and brought before a justice of the peace.

Duty and power of justice of the peace.

27. Any constable may apprehend any person found committing an offence against the provisions of this Act with respect to infected places, he shall take any person so apprehended, as soon as conveniently may be, before a justice of the peace to be examined and dealt with according to law ; and a person so apprehended shall not be detained in custody by any constable without the order of a justice longer than is necessary for bringing him before a justice, or than twenty-four hours at longest ; he may require that any animal or thing moved out of an infected place in contravention of those provisions be forthwith taken back within the limits of that place, and may enforce and execute such requisition.

Declaring a place free from disease.

28. The Governor in Council may at any time, by order, declare any place to be free from infectious or contagious disease; and thereupon, as from the time specified in this behalf in the order the place shall cease to be an infected place.

Order in Council to supersede local order.

29. An order of the Governor in Council relative to an infected place shall supersede any order of a local authority inconsistent with it.

Power of Inspector declaring a place infected; extension of boundaries.

30. Where, under this Act, an Inspector makes a declaration which constitutes a place, an infected place he may also, if the circumstances of the case appear to him so to require, deliver a notice under his hand of such declaration to the occupiers of all lands and buildings adjoining thereto, any part whereof respectively lies within one mile of the boundaries of the infected place in any direction, and thereupon the provisions of this Act with respect to infected places shall apply and have effect to and in respect of those lands and buildings as if the same were actually within the limits of the infected place.

Penalty for entering where entrance is forbidden.

31. Where a person having cattle in his possession or keeping within the district wherein infectious or contagious disease exists, affixes at the entrance to a building or enclosed place in which such cattle are kept, a notice forbidding persons to enter into that building or place without his permission, then, if any person not having a right of entry or way into that building or place, enters into the same, or any part thereof, in contravention of the notice, he shall for every such offence be liable to a penalty not exceeding twenty dollars.

Duty of carriers to cleanse and disinfect vessels, carriages, &c.

32. Every steamboat company, railway company, and other company, and every person carrying animals for hire to or in Canada, shall thoroughly cleanse and disinfect, in such manner as the Governor may from time to time by Order in Council direct all steamers, vessels, boats, pens, carriages, trucks, horse-boxes and vehicles used by such company or person for the carrying of animals:

Penalty for neglect.

2. If any company or person on any occasion fails to comply with the requirements of any such Order in Council, such company or person shall, on every such occasion, be deemed guilty of an offence against this Act.

Power of entry to inspect vessels, &c.

Or premises suspected.

33. An inspector, or any officers authorized to execute this Act, may at all times enter on board any steamer, vessel or boat in respect whereof he has reasonable grounds for supposing that any company or person has failed to comply with the requirements of any such order, and on premises where he has reasonable grounds for supposing that any pen, carriage, car, vessel, truck, horse-box or vehicle, in respect whereof any company or person has on any occasion so failed is to be found, and if any company or person refuses admission to an inspector or other officer acting under this section, such company or person shall be deemed guilty of

Penalty for refusing admission.

an offence against this Act, and, on conviction thereof, shall forfeit and pay a sum not to exceed one hundred dollars.

Experimental treatment and *post mortem* examination, &c., when allowable.

34. The Governor in Council may, notwithstanding anything in this Act, reserve for experimental treatment any animal ordered to be slaughtered under this Act, and the Minister of Agriculture may authorise any of his officers or persons employed by him to make *post-mortem* examination of animals having died or supposed to have died from infectious or contagious disease, and to dig up carcasses of such animals for the purpose of investigation.

Orders in Council.

35. The Governor in Council may from time to time make such orders as they think expedient for all or any of the following purposes :

Requiring notice.

For requiring notice of the appearance of any such disease among animals ;

Prohibiting markets, &c.

For prohibiting or regulating the holding of markets, fairs, exhibitions or sales of animals ; for slaughtering of animals as provided for by this Act ;

Proof as to animals imported.

For requiring proof of the fact that animals imported into or passing through Canada shall not, at the time of their embarkation, have been brought from any place or locality where any contagious or infectious disease may at the said time be in existence ;

General power to make orders.

And, generally, any orders whatsoever which he may think it expedient to make for the better execution of this Act, or for the purpose of in any manner preventing the spreading of contagious or infectious disease among animals, whether any such orders are of the same kind as the kinds enumerated in this section or not.

Effect of orders.

36. Every such order shall have the like force and effect as if it had been enacted by this Act.

Proof of orders.

37. An order or regulation made or issued under this Act, or under any order of the Governor in Council, may be proved as follows :

By the production of a copy of a newspaper containing a copy of such order or regulation ; or,

By the production of a printed or other copy of such order or regulation issued to an inspector or other officer as aforesaid ;

Presumption as to orders.

And any such order or regulation shall, until the contrary is proved, be deemed to have been duly made and issued at the time at which it bears date.

Arrest of persons impeding execution of this Act.

38. If any person obstructs or impedes an inspector or other officer acting in execution of this Act, or of any order of the Governor in Council thereunder, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the inspector or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can conveniently be taken before a justice to be dealt with according to law.

39. For the purposes of proceedings under this Act, or any order or regulation of the Governor in Council, every offence against this Act, or any such order or regulation, shall be deemed to have been commited, and every cause of complaint under this Act, or any such order or regulation, shall be deemed to have arisen either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be. Where offences shall be held to have been committed.

40. The Act thirty-second and thirty-third Victoria, chapter thirty-seven, intituled "*An Act respecting Contagious Diseases affecting Animals*," is hereby repealed. 32, 33 V., c. 37 repealed.

41. All Orders and Regulations passed in virtue of the said Act thirty-second and thirty-third Victoria, chapter thirty-seventh, repealed, and any act done, or action entered, or right of action existing in virtue of the said Act, or Orders. or Regulations shall continue in effect for the time prescribed by the said Act or the said Order, or until superseded by Orders passed under the present Act. But orders, &c, under this Act to continue in force until otherwise ordered.

42. When citing this Act, it shall be sufficient to call it "*The Animal Contagious Diseases Act*, 1879." Short title.

No. 37.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to provide against Contagious Diseases affecting Animals.

Received and read, first time, Monday, 10th March, 1879.

Second reading, Friday, 14th March, 1879.

Mr. POPE,
(Compton.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 38] **BILL.** [1879.

An Act to amend the "Act for the repression of Betting and Pool Selling."

WHEREAS it is desirable that the law relating to the repression of betting and pool selling should be amended: 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 first section of the Act passed in the fortieth year of Her Majesty's reign, chaptered thirty-one, is hereby amended by adding thereto the following words: Sect. 1 of 40 V., c. 31, amended

"Provided always, that nothing in this Act contained shall be construed in any way to prohibit the recording or registering of any bet or wager or the selling of any pool, on any race-course or trotting-track under the control or direction of any organized turf or racing club or trotting or racing association, or to make the person who records or registers any bet or wager or sells any pool, on such race-course or trotting-track, guilty of a misdemeanor." Proviso added: as to certain horse races.

No. 38.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

An Act to amend the "Act for the repression of Betting and Pool Selling."

Received and read 1st time, Monday, 10th March, 1879.

Second reading, Wednesday, 12th March, 1879.

Mr. ROBERTSON.
(Hamilton.)

OTTAWA:
Printed by MACLEAN, ROGER & Co.

1879

No. 39.] **BILL.** [1879.

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

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

Intent of 38 V. c. 7 declared as to Chief Inspectors.

1. It was and is the intent of the Act of the Parliament of Canada, passed in the thirty-eighth year of Her Majesty's Reign, chaptered seven and known as "*The Post Office Act*, 1875," that the Governor should have and he is hereby declared to have and to have had power to appoint one or more person or persons to be Chief Inspector or Chief Inspectors of the Post Office Department of Canada, with authority over all or over as many Post Office Inspectors and Assistant Post Office Inspectors and their respective districts as the Governor in Council may designate, and with such other duties connected with the Post Offices of Canada as may be from time to time assigned to him by the Postmaster General, and with power in any part of Canada to inquire into and investigate complaints or suspected cases of misconduct or mismanagement on the part of any person employed in the Canada Post Office or performing duties in or in connection with any Post Office in Canada, and also into any complaints of the miscarriage or loss of letters or other mailable matter, or the contents thereof, and with power to suspend from his duties, during the pleasure of the Postmaster General, any person employed in any Post Office, pending the investigation of any complaint or suspected cases of misconduct or mismanagement, and generally with similar powers to those possessed by Post Office Inspectors or Assistant Post Office Inspectors appointed under the said Act.

Their powers.

Power of Chief Inspector to apply for order to compel persons to appear before him.

2. For the purpose of any inquiry or investigation mentioned in the next preceding section, any Chief Inspector may apply, in term or in vacation, to any Judge of the Supreme Court or Exchequer Court of Canada, or of the Superior Court for the Province of Quebec, or of any one of the superior courts of common law in any of the Provinces of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia or Prince Edward Island, or to any Judge or Stipendiary Magistrate in and for the Territories, for an order that a subpœna be issued from the Court or Magistrate, commanding any person therein named to appear before such Chief Inspector at the time and place mentioned in such subpœna, and then and there to testify to all matters within his knowledge relative to any such inquiry or investigation, and (if so desired) to bring with him and produce any document, paper or thing which he may have in his position relative to

Issue and effect of order.

any such inquiry or investigation as aforesaid; and such subpœna shall issue accordingly upon the order of such Judge or Stipendiary Magistrate, and any such witness may be summoned from any part of Canada whether within or without the ordinary jurisdiction of the Court, Judge or Magistrate issuing the subpœna: any reasonable travelling expenses shall be paid or tendered to any witness so subpœnaed at the time of such service; and if any person so duly summoned neglects or refuses to appear at the time and place specified in the subpœna served upon him, or refuses to give evidence or to produce the papers demanded of him, the Court, or the Judge or Magistrate who ordered the issue of the subpœna, or any other Judge of the same Court, may cause the said person to be taken into custody, and to be imprisoned in the common gaol of the locality as for contempt of Court for a period not exceeding fourteen days:—

Penalty for refusing to appear, or to give evidence, &c.

Inspector to have like power.

Any Post Office Inspector appointed under the said Act shall have the like power for the purpose of any inquiry or investigation which it may be his duty to make.

Power to examine on oath.

Any Chief Inspector and any Post Office Inspector shall have full power and authority to examine any person on oath or affirmation on any matter pertinent to any such inquiry or investigation; such oath or affirmation may be administered by him to any person whom he may desire to examine.

Provision as to suits prior to this Act.

3. Nothing herein contained shall apply to or affect any action, suit or proceeding which has been heretofore instituted in any Court in which the validity of any such appointment of Chief Inspector is called in question; but nothing herein contained shall be taken as implying that the Governor or the Governor in Council had not power to make any such appointment of Chief Inspector as may have heretofore been made.

No. 39.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

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

Received and read, first time, Monday, 10th March, 1879.

Second reading, Friday, 14th March, 1879.

Mr. LANGEVIN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.,
1879.

No. 40.] **BILL.** [1879.

An Act to incorporate the "Napanee, Tamworth and Quebec Railway Company."

Preamble.

WHEREAS the construction of a Railway as hereinafter set forth, would be of general benefit to the Provinces of Ontario and Quebec, and whereas a petition has been presented praying for the passing of an Act to incorporate a Company for constructing the same, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Edmund Hooper, Charles Lane, Walter S. Williams, Alexander H. Roe, Alexander Henry, Robert Dennison, Samuel McLean Detlor, John Herring, D. A. Burdette, Miles Caton, Douglass Hooper, Thomas Scott, William A. Bell, James Hayden, James N. Lapum, John Thompson, Harvey Walker, Zara Vanluven, Matthew Shannon, E. W. Benjamin, John W. Bell, Gideon Joyner, Daniel Gilmour, Ebenezer Perry, John Sherman, James Aylesworth, Charles L. Rogers, R. R. Finkle, and T. E. Howard, together with such persons and corporations as shall become shareholders of the Company to be hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Napanee, Tamworth and Quebec Railway Company," hereinafter called the Company.

Corporate name.

Provisional Directors.

2. The persons in the next preceding section mentioned by name shall constitute the Board of Provisional Directors, nine of whom shall form a quorum: and the said provisional directors shall hold office as such, until the first election of directors by the shareholders, and shall have power to open stock books, and procure subscriptions of stock for the undertaking, and to receive payment on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing, and to deposit in any chartered bank having an office in the Town of Napanee, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to receive for the Company any gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the said Railway, which agreement shall be binding upon the Company.

Their powers.

Business and powers of the Company.

3. The Company shall have full power to lay out, construct, finish and equip a railway from within the limits of

the Town of Napanee in the County of Lennox and Addington, and running in a northerly direction to a point on the Ottawa River at or near Point Alexander, in the Township of Rolph in the County of Renfrew, and to extend the said railway by ferry communication or otherwise into the Province of Quebec, and to amalgamate with any railway line therein, and to extend the said railway to such points on the Bay of Quinte as as may be deemed expedient, and to build and operate a telegraph line along the said railway and any of its branches, and to acquire lands and water-lot property in the Town of Napanee not to exceed in all twenty acres, in the Village of Newburg not to exceed five acres, in the Township of Camden East not to exceed thirty acres, and in every other township, through which the railway or any branch thereof is carried, not more than ten acres, over and above the land required for the roadway, for the erection and maintenance thereon of necessary stations, depots, curves, sidings, wharves or piers.

Gauge.

4. The said railway may be constructed of any gauge.

Capital stock and shares.

5. The capital stock of the Company shall be seven hundred and fifty thousand dollars (which capital stock may be increased in the manner prescribed by the Railway Act) to be divided into fifteen thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in the Company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for obtaining the passing of this Act, and for making the surveys, plans and estimates connected with the works; and all the remainder of such moneys shall be applied to the making, equipment and completion of the said railway, and other necessary purposes; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any county, town, township or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the Company, or be allowed to it in payment of stock.

Application thereof.

First payment on shares.

6. On the subscription for shares of the said capital stock, each subscriber shall, within ten days thereafter, pay ten per centum of the amount subscribed by him, into some chartered bank, to be designated by the directors, to the credit of the Company.

Calls on shares.

7. Thereafter calls may be made by the directors, for the time being, as they shall see fit; Provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and that an interval of not less than thirty days shall elapse between any two successive calls.

Stock may be paid up in full.

8. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber

thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

First meeting of shareholders.

9. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the Company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the town of Napanee, which shall on no account be withdrawn therefrom unless for the service of the Company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the Company.

Provision in case meeting is not called.

10. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five hundred dollars of the capital stock, and who have paid up all calls thereon.

Notice to be given.

11. In either case, notice of the time and place of holding such general meeting shall be given in the *Canada Gazette* and in one newspaper published in the town of Napanee or near thereto as may be, once in each week for the space of at least four weeks, and such meeting shall be held at the town of Napanee, at such place therein and on such day as may be named by such notice; and at such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the Company, and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of Directors.

Annual general meetings.

12. Thereafter, the annual general meeting of the shareholders of the Company shall be held in such place and on such days and at such hours as may be directed by the by-laws of the Company, and public notice thereof shall be given at least four weeks previously in the *Canada Gazette*, and in one newspaper published at or as near as may be to the said town of Napanee once in each week for four weeks.

Special general meetings.

13. Special general meetings of the shareholders of the Company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the Company and notice of such meetings shall be given in the manner prescribed by the next preceding section.

Votes on shares

14. Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; Provided

Proviso.

that no one shareholder shall be entitled to more than one hundred votes at any meeting, notwithstanding the amount of shares held by him: And no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid at least one week before the day appointed for such meeting.

Qualification of Director.

15. No person shall be qualified to be elected as a director by the shareholders unless he be a shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls due thereon.

Quorum

16. Any meeting of the directors of the Company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the directors.

Company may receive aid.

17. The Company may receive bonuses or gifts of money, or securities for money, from any persons or bodies corporate, municipal or politic, who may have power to grant the same, in aid of the construction, equipment and maintenance of the said railway and its branches, which shall be applied accordingly.

Aid from municipalities.

18. Any municipality or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the Company shall pass or be situate, is empowered to aid and assist the Company by loaning, or guaranteeing, or giving money by 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 municipality shall think expedient; Provided always, that when the said bonds or debentures are granted by a portion of the township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for that purpose, and the adoption of such by-laws by the ratepayers, as provided in the proper Municipal Act for the creation of debts.

Debentures to be delivered to trustees.

19. Whenever any municipality shall grant a bonus in aid of the Company in the making, equipping and completion of the said railway, the debentures therefor shall, within six weeks of the passing of the by-law authorizing the same, be delivered to three trustees, namely, John D. Ham and William Miller, Esquires, and one to be named by the Governor General in Council; Provided that if the Governor General in Council shall refuse or neglect to name such trustee within one month after notice in writing to him, requesting him to appoint such trustee, the Company shall be at liberty to name one in the place of the one to have been named by the Governor General in Council.

Removal and replacement of trustees.

20. Any of the said trustees may be removed and a new trustee, appointed in his place, at any time, by the Governor General in Council with the consent of the Company; and in case any trustee die, or resign his trust, or cease to reside in the Province of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Governor General in Council with the consent of the Company.

Validity of action.

21. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Conditions of the trust.

22. The said trustees shall receive the said debentures in trust: firstly, under the instructions of the directors to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks having an office in the town of Napanee, in the name of the "Napanee, Tamworth and Quebec Railway Trust Account," and to pay the same out to the Company from time to time on the certificate of the Chief Engineer of the Company, in the form set out in Schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions, if such there be, of the by-law; and such certificate shall be attached to the cheques drawn by the said trustees.

Form of conveyance of land.

23. Conveyances of land to the Company made in the form set out in the schedule A hereto annexed, or the like effect, shall be a sufficient conveyance to the Company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry law or laws of the Provinces of Ontario or Quebec, in whichever Province the lands so conveyed may be situated; and no registrar shall be entitled to demand 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.

24. The directors of the Company, after the sanction of the shareholders shall have been first obtained at any special general meeting, called, from time to time, for such purpose, shall have power to issue bonds to any amount not exceeding five thousand dollars per mile of railway, to be signed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the seal of the 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 first and preferential claims and charges upon the said undertaking, and the real property of the Company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof, upon the undertaking

Proviso: as to right of bondholders to vote.

and property of the Company as aforesaid; Provided always that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the Company, all holders of bonds shall have and possess the same rights, and privileges and qualifications for directors and for voting, as are attached to shareholders, provided that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the Secretary of the Company to register the same on being required to do so by any holder thereof; all such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Bonds may be payable to order.

Company may become parties to promissory notes.

25. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company, and under the authority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President, or Secretary and Treasurer be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the Directors, as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Certain payments may be made in stock or bonds.

26. The said provisional directors, or the elected directors' may pay or agree to pay in paid up stock or in the bonds of the Company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the Company.

Purchase of land for gravel pits.

27. When stone, gravel, earth or sand is required for the construction or maintenance of the said railway, or any part thereof, the Company may, in case they cannot agree with the owner of the lands, on which the same are situated, for the purchase thereof, cause a Provincial Land Surveyor to make a map and description of the property so re-

quired, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway ; and all the provisions of the Railway Act, as to the service of the said notice of arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the Company, either for the right to the fee-simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary ; and the notice of arbitration, in case arbitration is resorted to, shall state the interest required.

Access to such gravel pits.

28. When any gravel, stone, earth or sand shall be taken as aforesaid, at a distance from the line of the railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such material may be found, whatever the distance may be ; and all the provisions of the Railway Act, and those herein contained, except such as relate to the filing of plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be acquired for a term of years or permanently, as the Company may think proper ; and the powers in this and the next preceding section contained may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Whole of lot of land may be purchased in certain cases.

29. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel-pits, or for constructing, maintaining and using the said railway, and whenever by purchasing the whole of any lot or parcel of land over which the railway is to run, the Company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the Company may purchase, hold, use or 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 any part thereof, from time to time, as they may deem expedient; but the compulsory provisions of the Railway Act shall not apply to this section.

Land for snow drift fences may be acquired.

30. Notwithstanding anything contained in section nine of "*The Railway Act*, 1868," the Company may, with the permission of the Railway Committee of the Privy Council, and under the powers and provisions in the said Act contained, acquire and hold such width of land on the sides of the railway and its branches, at any point of the line, as may be needed for the erection and maintaining of permanent snow-drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow.

Company may hold and navigate vessels.

31. The Company shall have power to construct, purchase, charter and navigate steam vessels and other water craft, on any lake, river or stream near to or touched by the railway or any of its branches, for the purpose of traffic in connection with the railway or any of its branches.

Agreements with other companies.

32. The Company may enter into an agreement with any other railway company incorporated or to be incorporated, either of the Province of Quebec or of the Province of Ontario, or of the Dominion of Canada, for leasing the said railway, or any part or branch thereof, or the use thereof, at any time or times and for any period, or for leasing or hiring from such other company any railway or any part or branch thereof, at any time or times, and for any period, or for leasing or hiring, as lessors or lessees, any locomotives, tenders, cars, or other rolling-stock or movable property, under such sanction as hereinafter mentioned, and generally may 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 rolling-stock, or movable 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; and such leases, agreements and arrangements shall be valid and binding, and shall be enforced by all courts of law or equity, according to the tenor and effect thereof: Provided the said leases, agreements and arrangements have been first respectively sanctioned by the majority of votes at special general meetings of the shareholders called for the purpose of considering the same respectively, on due notice given as hereinafter provided.

Proviso: to be approved.

Agreement for sale of railway.

33. It shall be lawful for the Company to enter into an agreement with the Grand Trunk Railway Company of Canada, or any other railway company, for the absolute sale to the said company or companies, of the said Napanee, Tamworth and Quebec Railway, or any part thereof; and the said Grand Trunk Railway Company, or any other railway company accepting any conveyance in pursuance of any such agreement, shall have, and are hereby empowered to exercise, all the rights and privileges conferred by this Act.

Time limited.

34. The railway shall be commenced within three years, and completed within ten years from the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railroad as then remains incomplete.

SCHEDULE A.

Know all men by these presents, that I, (*or* we)

in consideration of dollars paid to me (*or* us) by the Napanee, Tamworth and Quebec Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (*or* we)

in consideration of dollars paid to me (*or* us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their railway, to hold with the appurtenances unto the said Napaneee, Tamworth and Quebec Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands;

As witness, my (*or* our) hand and seal (*or* hands and seals), this day of one thousand eight hundred and .

Signed, sealed and delivered in the presence of } [L. S.]

SCHEDULE B.

Chief Engineer's Certificate.

Napanee, Tamworth and Quebec Railway Company's Office,
"Engineer's Department."

No. 18

Certificate to be attached to cheques drawn on the Napanee, Tamworth and Quebec Railway account, given under section of chapter Victoria.

I, , Chief Engineer for the Napanee, Tamworth and Quebec Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the of (*or* under the agreement dated the day of , between the Corporation of and the said Company) to entitle the said Company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

No. 40.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to incorporate the Napanee, Tamworth and Quebec Railway Company.

Received and read, first time, Tuesday, 11th March, 1879.

Second reading, Thursday, 13th March, 1879.

(PRIVATE BILL)

Mr. HOOPER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 41.] **BILL.** [1879.

An Act to incorporate "The British American Mutual Life Insurance Company."

Preamble.

WHEREAS the persons hereinafter mentioned have petitioned the Parliament of the Dominion of Canada, praying that a Company may be incorporated under the name hereinafter mentioned, to enable the said petitioners and their associates to carry on the business of insurance in the several branches usually known as Life Insurance, 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. The Honorable D. A. Macdonald, the Honorable W. P. Howland the Honorable George Brown, the Honorable Edward Blake, the Honorable A. Mackenzie, Waner S. Lee, Esquire, J. R. Kerr, Esquire, Larratt W. Smith, Esquire, together with all such persons as now are or shall hereafter become members of the Company by this Act constituted and their respective administrators, executors and assigns shall be and are hereby constituted and declared to be a corporation, body politic and corporate, under the name of "The British American Mutual Life Insurance Company," and shall be legally authorized to effect contracts of insurance, with any persons or corporations on life or lives, or on or against any event, loss or risk in any manner dependent on life or lives, to grant, sell, or purchase annuities, to grant endowments, to purchase contingent rights, reversions or remainders, and generally to enter into any transactions dependent on the contingency of life and such as are usually transacted by Life Insurance Companies, including re-insurance.

Corporate name and powers.

Guarantee fund to be subscribed.

2. Before commencing business and issuing policies, there shall have been a guarantee fund subscribed of one hundred thousand dollars (which may be increased to one million dollars) divided into shares of one hundred dollars each, and applications shall have been made and accepted by the Provisional Directors for assurances of not less than one hundred thousand dollars; and so soon as such guarantee fund shall have been subscribed and such applications for assurance received and the requirements of "*The Consolidated Insurance Act*, 1877," and of any Acts amending it shall have been complied with, the Company may be organized, elect the first Board of Directors and commence business: Provided that no increase of the guarantee fund shall be made until such proposed increase has been first submitted to and sanctioned by a majority of the guarantors present at a special meeting of the guarantors held for that purpose.

Proviso, as to increase.

Object and nature of the guarantee fund.

3. The guarantee fund so subscribed shall be liable for the payment of losses and may be used for the purposes of the Company in such manner and to such extent as the Directors may by by-law determine; the said guarantee fund shall be redeemable by the Company out of the accumulated reserves, at such time and upon such terms as shall be decided by a majority of the members present at a general meeting called for that purpose, or at a general annual meeting of the Company; and until redemption, the Directors may pay to the holders of shares thereof interest on the amount paid up at such rate as may be agreed upon by the Directors; and after such guarantee fund shall have been redeemed the whole of the revenue and profits of the Company shall belong exclusively to the policy-holders and shall be thenceforth divided among them in such proportion and at such times as the Directors shall appoint: Provided, that the redemption of the guarantee fund shall not be effected until the full deposit required by "*The Consolidated Insurance Act*, 1877," and any Act amending it shall have been made.

Interest.

Redemption.

Provisiona directors.

4. The persons hereinbefore named are appointed Provisional Directors for the organization of the said Company, and four of them shall be a sufficient quorum for the transaction of business; they shall open books for the subscription of the guarantee fund of one hundred thousand dollars, and they shall also open books for applications for insurance, to be effected by the said Company; as soon as the guarantee fund has been subscribed, and applications have been received and accepted amounting to one hundred thousand dollars, the said Provisional Directors shall call a meeting of the guarantors and persons who have made such applications for insurance for the election of the first Board of Directors, and at the said meeting every applicant for insurance shall have one vote for each five thousand dollars of insurance applied for, and each subscriber to the guarantee fund of one hundred dollars or more shall have one vote for each one hundred dollars subscribed by him.

Meeting for election of directors.

Who shall be members of the Company.

5. Any individual or corporation who is a legal or beneficiary holder of a policy of insurance in the Company, or a subscriber to the guarantee fund hereinbefore mentioned, and who shall have paid all due premiums or calls thereon respectively, shall be a member of the Company, and entitled to all the benefits thereof under the provisions of this Act and the by-laws of the Company.

By-laws may be enacted.

6. The Provisional Directors or the Directors to be elected may enact by-laws to carry out the objects of this Act, and for the organization, maintenance and government of the Company, as well as for the application of its funds and profits as herein provided, and such by-laws may, from time to time be altered and amended by the Directors, and such by-laws so legally made in accordance with the objects of this Act, and not inconsistent with law shall be legal and binding until altered, amended or repealed: Provided always, that all such by-laws shall only be valid and binding until the next annual general meeting of the Company, unless

Proviso.

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.

Board o Directors.

7. The first Board of Directors of the Company shall consist of not less than seven nor more than twenty-five Directors, four of whom shall form a quorum ; and one of such Directors shall be elected President, and another Vice-President by the other Directors ; such of the said persons hereinbefore named, or other persons necessary to complete the Board, who shall have qualified themselves to act as Directors by a subscription of at least two thousand dollars to the guarantee fund, or who shall have applied for a policy of insurance in the Company, and subscribed to a declaration or contract to that effect in a sum of at least five thousand dollars on a life policy, shall be entitled, on election by a majority of the votes of duly qualified members at the first general meeting to act as Directors of the Company on the first Board at the head office, and to continue to act as such for one year immediately subsequent to the organization of the Company, subject to a continuance of qualification, and shall prepare the by-laws for the management of the Company, as in this Act provided. The Board of Directors may appoint a Managing Director, and all other officers of the Company, and may appoint sub-boards and agents, and may remove the same and appoint others in their place whenever a vacancy may arise. After the term for which the first Board of Directors are appointed shall have expired the Directors shall be elected annually by ballot. If any Director shall fail to accept office, or shall die, or be otherwise disqualified, the remaining Directors shall choose in his stead any qualified member of the Company who shall remain in office until the next annual meeting only, unless then re-elected.

Managing director.

Election by ballot.

Vacancies.

Committees.

8. The Directors may appoint of their own members such committees with such powers, and to discharge such duties as the Directors may from time to time confer and impose on them, but they shall, at all times, and in regard to all their actions and duties be subject to the control of the said Board of Directors.

Annual general meeting.

9. A general meeting of the Company shall be called once in each year, after the organization of the Company, and commencement of business, as the Directors may appoint, after not less than ten days' notice in one or more newspapers, published in the City of Toronto, at which meetings a statement of the affairs of the Company shall be submitted ; special, general, or extraordinary meetings may at any time be called by five of the Directors, or shall be called by requisition of twenty-five members, specifying in the notice the object of such meeting.

Head office and agencies

10. The head office of the Company shall be in the city of Toronto in the Province of Ontario, or in such other city of the Dominion of Canada, as may be decided on hereafter by

the Directors, but branches or sub-boards, or agencies may be established, either within the Dominion of Canada or elsewhere, in such manner as the Directors may, from time to time, appoint: Provided, that no insurance shall be effected in any Province, other than the Province in which the head office of the Company is situate, until an office or domicile is opened in some place therein, and a local agent or manager is there appointed.

Proviso.

Votes.

11. Each subscriber to the guarantee fund shall be entitled either in person or by proxy, to one vote for every one hundred dollars subscription—all calls being paid—and every holder of a policy on the mutual principle, upon which all premiums due have been paid, shall have one vote in person for each five thousand dollars insurance held by him; no proxy can vote unless he is himself a member qualified to vote.

Proxies.

Calls on subscribers.

12. The Directors shall have power to make calls upon the subscribers to the guarantee fund, for such sums and at such times as they shall think fit, for the purposes of the Company, and to sue for and enforce the payment of the same; they may also declare all subscriptions forfeited on which such calls have not been duly paid, and re-allot or sell the same, or any part thereof, for the benefit of the Company, to any other person or persons.

Liability of subscribers, limited.

13. No subscriber to the guarantee fund shall be liable as a subscriber for more than the amount of his subscription, and his liability as a guarantor shall be limited to the amount for which he has subscribed as such guarantor; and no policy-holder shall be liable for more than the premiums on his policy.

Seal.

14. The Company shall have a corporate seal, and may sue or be sued in its corporate name.

Investment of funds.

15. It shall be lawful for the said Company to invest its funds in the debentures, bonds, stocks or other securities of the Dominion of Canada, or on the security thereof, or in or on the securities of any of the Provinces comprising the Dominion, or in or on the securities of any municipal corporation in the Dominion, or on the security of stock or debentures of any incorporated building society, loan or investment company, or of bank stock, or on the security of real estate or mortgage security thereon, or on the security of leaseholds or term or terms of years, or other estate or interest in real property or mortgage security thereon in any Province of the Dominion, or on its life policies to the extent of their surrender value, and to change and re-invest the same as occasion may from time to time require; and to take, receive and hold all or any of such securities in the corporate name of the Company, or in the name of trustees for the Company appointed by the Directors, whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the said Company on the security of the said debentures, bonds, stock, mortgages, or other securi-

Securities.

ties as aforesaid; such loans to be on such terms and conditions, and in such manner, and at such times and for such sums, and in such sums of repayment, whether of principal or interest, or principal and interest together, and at such interest and return as the Board of Directors may from time to time determine and direct, and whether they are taken absolutely or conditionally, or whether such securities are taken in satisfaction of debts due to the said Company, or judgments recovered against any person or body corporate in its behalf, or in security for the payment of the same, or of any part thereof.

Power to hold real estate mortgaged.

16. The Company may hold such real estate as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided always, that all real estate so mortgaged or conveyed in security as aforesaid, shall be sold and disposed of within ten years from the time of its becoming the absolute property of the Company.

Proviso.

Investment in foreign securities.

17. The Company may invest or deposit such portion of its funds in foreign securities as may be necessary in the establishment or maintenance of any foreign branch.

Real estate.

18. The Company may hold real estate, which may be required for the use and accommodation of the Company, and may sell or mortgage the same.

Transfer of shares.

19. The shares of the subscribers to the guarantee fund shall be transferable under the regulations of and in accordance with the by-laws; but the Company shall not be liable for the execution of any trust, whether expressed, implied or constructive.

32, 33, V., c. 12.

20. Sections twelve, fourteen, thirty-one, thirty-seven and forty of the "*Canada Joint Stock Companies Clauses Act*, 1869," shall apply to this Act and be incorporated therewith, in so far as the same are not inconsistent with the provisions of this Act.

General Act to apply.

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 Consolidated Insurance Act*, 1877," and to such other legislation on the subject of insurance as may from time to time be passed.

No. 41.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to incorporate The British American Mutual Life Insurance Company.

Received and read, first time, Tuesday, 11th March, 1879.

Second reading, Thursday, 13th March, 1879.

(PRIVATE BILL.)

Mr. MACKENZIE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1879.

No. 42 **BILL.** 1879.

An Act to amend the Act respecting the election of Members of the House of Commons (37 Victoria, Chapter 9).

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

1. The following words are added to the 29th Section of the Act 37th Victoria, Chapter 9: 37 V. c. 9. s. 29 amended

"The Returning Officer shall, in order to procure such electoral lists, apply firstly to Town Clerks, Clerks of the Peace, Secretary-Treasurers, or other officers of the Municipal Corporations or Municipalities to which the electors belong, who are the lawful custodians of the originals of such lists." Duty of Returning Officer in obtaining electoral lists.

"In the event of such officers having refused or neglected to furnish such copies or extracts within two days following the demand, the Returning Officer shall apply for and procure the same from the registrars or other officers who may be the lawful custodians of duly certified copies or duplicates of such electoral lists." In case of refusal by certain officers.

No. 42.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

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

Received and read, first time, Tuesday, 11th March, 1879.

Second reading, Thursday, 13th March, 1879

Mr. GIGAULT.

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

1879.

No. 43. **BILL.** [1879.

An Act to provide for the transfer of lands, and estates and interests in lands, and other matters relating to Real Property in the Territories of Canada.

Preamble.

WHEREAS, it is expedient to provide for the registration of titles to land and to facilitate its transfer, in the Territories of Canada; and to prevent doubts arising as to the validity of titles to land, and unnecessary expenses in obtaining abstracts of titles; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Territories Real Property Act, 1879."

Interpretation of terms.

2. For the purposes of this Act, in its construction, and in all the instruments purporting to be made or executed in pursuance thereof, the terms hereinafter defined shall (if not inconsistent with the context and subject-matter) bear the meanings set against them respectively:—

Court.

Court shall be held to mean any Court which, by any law of Canada, or by any Ordinance of the Lieutenant Governor in Council or Act of the Legislature of any of the Territories, has jurisdiction over the person or persons, or over the subject matter referred to.

Certificate of title.

Certificate of Title shall be held to mean the instrument executed by the Registrar in the form of schedule E to this Act, a duplicate of which constitutes a separate page in the Register Book, vesting the fee simple or any less estate, as the case may be, in land brought under the operation of this Act, in the person or persons therein named.

Dealing.

Dealing shall be held to mean any transaction of whatever nature under this Act by which land is affected.

Encumbrance.

Encumbrance shall be held to mean any charge on land created for the purpose of securing the payment of an annuity or sum of money other than a debt, and all life-rent interests and other provisions affecting land.

Encumbrancee.

Encumbrancee shall be held to mean the person in whose favour an encumbrance is granted.

Encumbrancer. *Encumbrancer* shall be held to mean the proprietor of any land, or of any estate or interest in land charged with an encumbrance.

Fee simple. *Fee simple* shall be held to mean Allodial Estate, or an absolute ownership of land.

Grant. *Grant* shall be held to mean any grant of land by the Crown, or the instrument by which the Crown conveys a title in fee simple to lands.

Instrument. *Instrument* shall be held to mean any grant, certificate of title, mortgage, will, probate, exemplification of will, bond, release, discharge, letter of attorney, caveat, municipal road by-law, or any other document or writing relating to the transfer or other dealing with land, or evidencing title thereto.

Land. *Land* shall be held to include land commonly so called extending indefinitely upwards and downwards, and all messuages, tenements and hereditaments, corporeal and incorporeal, of every kind and description, or any estate or interest therein, together with all paths, passages, ways, waters, water-courses, privileges, liberties, easements, plantations, gardens, mines, minerals and quarries, and all meadows, pastures, trees and timber thereon, or thereunder lying or being, unless any such are specially excepted.

Lunatic. *Lunatic* shall be held to mean any person, not an infant who shall have been found upon enquiry by any court or commission of enquiry being legally competent, to be a lunatic, or from infirmity of mind to be incapable of managing his or her own affairs.

Memorial. *Memorial* shall be held to mean the entry signed by the Registrar on the crown grant or certificate of title embodied in the register, of any instrument presented for registration, with the time of registration.

Mortgage. *Mortgage* shall be held to mean the instrument in form schedule M to this Act executed by a debtor to his creditor, by which his estate or interest in a certain lot or parcel of land is pledged for the repayment of money, at a certain specified time or times, with or without interest, or for the performance of some covenant or condition set out in the instrument.

Mortgagee. *Mortgagee* shall be held to be the person in whose favour a mortgage has been granted, or has been transferred or transmitted.

Mortgagor. *Mortgagor* shall be held to be the proprietor of land, or an estate or interest in land, pledged as a security for debt.

Non compos. *Person of unsound mind* shall be held to mean any person, not an infant, who is incapable, from infirmity of of mind, to manage his own affairs.

Proprietor shall be held to mean any registered proprietor of an estate in fee simple in land, and shall include any body politic or corporate, which may be at the time capable of holding lands in the Territories. Proprietor

Register shall be held to mean the Register of titles to land to be kept in accordance with this Act. Register.

Registrar shall be held to mean any person appointed under this Act as Registrar of titles, and shall include the Registrar now in office. Registrar.

Registration District includes the whole Territories until they are divided into Registration Districts. Registration District.

Secretary of State shall be held to mean the Secretary of State of Canada. Secretary of State.

Territories shall be held to mean the North-West Territories, the District of Kee-way-din, and generally any part of Canada not included within the limits of any Province, and every separate Province or District which may hereafter be formed out of them or any of them shall be held to be a Territory for the purposes of this Act. Territories.

Transfer shall be held to mean the passing of land, or of any mortgage or encumbrance on land, under this Act, whether for valuable consideration or otherwise, and the creating of certain encumbrances by an instrument in writing:—and the instrument of transfer. Transfer.

Transmission shall be held to mean the acquirement of interest in land, consequent on the death of the proprietor, by will or intestacy, or by bankruptcy, marriage, or decree of court, or otherwise than by transfer. Transmission.

PART II.

THE REGISTRAR AND HIS DUTIES.

3. The Governor may, from time to time, as occasion may require, by commission under the Great Seal of Canada, appoint a fit person to the office of Registrar of Titles in and for the Territories of Canada, or within the limits of any one of them, and shall, in like manner, fill any vacancy occurring by death, resignation, removal, or forfeiture of office; and the person so appointed Registrar shall hold his office during pleasure, and shall keep an office in a place to be named for that purpose in his commission, or at such other place as may be appointed from time to time for that purpose; and it shall be the duty of such Registrar to carry into execution the provisions of this Act so far as such execution devolves upon the Registrar. Appointment. Place of office. Duty.

4. The Governor in Council may, whenever the public interest renders such a step necessary, divide the Territories of Canada into Registration Districts, and appoint a Registrar for each District; but no such division shall be made, nor additional Registration offices established, nor Registrars appointed, until the necessary appropriation is voted by Parliament. Registration Districts. Proviso.

Registrar now in office.

5. The Registrar in office when this Act takes effect, is hereby continued therein, subject to the provisions and requirements of this Act.

Registrar's bond: and sureties.

6. Before any Registrar appointed under the authority conferred by this Act is sworn into office, he, and two or more sufficient sureties, shall enter into a joint and several bond in writing under their hands and seals to Her Majesty, in a penal sum to be fixed at not less than *four thousand dollars, nor more than ten thousand dollars*, which bond shall be subject to the approval of the Governor in Council; and the same may be taken before any two Justices of the Peace or any Judge or Stipendiary Magistrate of the Province or Territory where the person resides at the time of his appointment,—and shall be conditioned for the true and faithful performance by the said Registrar or his Deputy of his duty in respect of all things directed to be done by or required of him by this Act or any law in that behalf,—and shall be in the form of Schedule A to this Act, or to the like effect.

How taken.

Conditions.

Sureties to justify.

7. The sureties in such bond shall justify under oath, and the execution by the Registrar and sureties shall be verified under oath by a subscribing witness; and such bond and the affidavits of justification shall be executed in duplicate, in the form A in the schedule to this Act, or to the like effect; and one of such duplicates, with the affidavits appended, shall be forthwith transmitted to the Secretary of State, to be fyled in his office, and the other shall be fyled in the office of the Lieutenant-Governor of the Territories, or of the Registration District for which the Registrar may have been appointed.

Custody of bond, &c.

New bond when required.

8. The Registrar shall, when required by the Secretary of State, execute a new bond in the form and to the effect provided in the next preceding section, or furnish such other security, as may be deemed expedient.

Liability of Registrar and sureties for his misconduct.

9. If the Registrar in any manner misconducts himself in his office, or neglects to perform his duty in every respect as required of him by this Act, or commits or suffers to be committed any undue or fraudulent practice in the execution thereof, then such Registrar shall, together with his sureties so far as their obligations extend, be liable to pay all damages, with full costs of suit, to any person injured thereby, to be recovered by action in any of Her Majesty's Courts having jurisdiction; and any Deputy executing the office of Registrar during any vacancy by death, resignation, or removal from office of the Registrar, shall, together with the sureties of the Registrar as far as their obligations extend, be for the same cause and in like manner liable as the Registrar and his sureties are in this section declared to be liable, but this shall not exempt the Registrar or his Deputy, as the case may be, from any further responsibility to parties sustaining damage or loss as aforesaid.

And of his deputy in case of vacancy.

Oath of office.

10. Every Registrar, before he enters upon the execution of his office, shall take, before some Judge or Stipendiary Magis-

trate in the Territories, the oath of office in the form of Schedule B to this Act, and which shall be transmitted to the Secretary of State.

May appoint deputies.

11. The Registrar may appoint a Deputy or Deputies, and such other officers as may be necessary for carrying out the provisions of this Act.

Their powers.

12. Any Deputy Registrar may perform all the duties required under this Act, in the same manner, and to the like effect as if done by the Registrar.

Oath of office of deputies.

13. Every Deputy Registrar shall,before he enters upon the execution of his office, take, before some Judge or Stipendiary Magistrate in the Territories an oath to the same effect as that appointed to be taken by the Registrar, and which shall be transmitted to the Secretary of State.

May act for Registrar.

14. Whenever, by any law or Ordinance in force in the Territories, anything is appointed to be done by the Registrar, the same may be lawfully done by his Deputy Registrar.

Registrar or deputy not to act as agents, &c.

15. No Registrar, Deputy Registrar or Clerk in his office, shall, directly or indirectly, act as the agent of any corporation, society, company, person, or persons investing money and taking securities on real estate within his Registration District, nor shall such Registrar, Deputy Registrar, or Clerk, advise, for any fee or reward, or otherwise, upon titles of land, or practice as a conveyancer, nor shall he carry on or transact within the Registry office any business or occupation whatever other than his duties as such Deputy or Clerk, upon pain of dismissal from office.

Nor carry on other business in Registry office

Residence.

16. Every Registrar and Deputy Registrar shall reside within two miles of his office, which shall be kept at the place named in his commission.

Days and hours of office

17. The Registrar, or his Deputy, shall attend for the discharge of all duties belonging to his office, from the hour of ten in the forenoon until four in the afternoon, every day in the year, Sundays and legal holidays excepted; and no instrument shall be registered by him, or received for registration, except during the days and hours on and at which he is herein required to attend at his office for the discharge of his duties.

Seal of office.

18. The Registrar shall have a seal of office, approved by the Governor in Council, with which he shall seal all certificates of title, and stamp all instruments which have been presented to him for the purpose of authorizing an act of registration.

Copies of documents in Registrar's office.

19. The Registrar shall, when required, and upon the payment of the legal fees, furnish, attested with the seal of his office, exemplifications, copies and abstracts of any uncancelled instrument affecting land, which may be deposited, fyled, kept or registered in his office, and such exemplifica-

To be evidence.

tion or certified copy shall be received as evidence in every Court of Law or Equity in the Territories or the Provinces of Canada, in the same manner and with the same effect as if the original in his office was produced.

Gavernor in Council to provide Registry office.

And so for any new Registration district.

20. As soon after the passing of this Act as practicable, and whenever, at any subsequent period, a new Registration Office is established, the Governor in Council shall provide, at the public expense, and shall thereafter maintain in a proper state of repair, a building of stone or brick to serve as the office of the Registrar, and as the place of deposit and preservation of the registers, duplicates, instruments and documents connected with the registration of titles, and shall fit up the said office with such fire-proof safes and other secure places as may be necessary,

Transmission of documents to new office by Registrar.

21. Whenever any new Registry Office is established, and a part of the Territories is set apart as a new Registration District, the Registrar of the Territories or District from which such new Registration District is detached, shall deliver to the Registrar of such new District the registry book or books and all other books and indexes of names, and of lots and parts of lots, and all instruments and documents which have been kept according to this Act, for any lands situate within the limits of the new District; and the Registrar receiving such books and his successors shall keep the same among the registry books of his office, and deal with them in all respects in like manner as those originally supplied to and kept therein.

Separate books for each township, &c.

22. Lands situate in different townships and in registered plans of different cities, towns and villages, shall be registered in different books, and shall not be included in the same certificate of title.

Penalty on Registrar refusing to transmit documents to new office.

23. Any Registrar who unlawfully refuses to deliver such books, plans, indexes and instruments as aforesaid within six months after demand in writing therefor made upon him by the Registrar entitled to receive them, shall be guilty of a misdemeanour, and upon conviction thereof shall be liable to a fine in the discretion of the Court, not exceeding *five hundred dollars*, and shall be dismissed from his office.

Duty of Registrar resigning, or removed.

Penalty for disobedience.

24. In case any Registrar resigns his office, or is removed therefrom, he shall forthwith deliver up all books, plans, indexes and instruments in his possession as Registrar, to the person who is appointed Registrar in his stead, or to any person who may be specially appointed in writing by the Minister of the Interior to receive the same; and if such Registrar refuses to do so, the Minister of Justice may direct the Sheriff of the Territory or District to seize and take immediate possession of the same wheresoever found, and the Registrar so refusing shall be guilty of a misdemeanor and shall upon conviction thereof be liable to a fine in the discretion of the Court, not exceeding *two thousand dollars*, and to any term of imprisonment, if the Court think fit to impose it, not exceeding one year, or to both.

Register of titles: form and mode of keeping.

25. The Registrar shall keep a book, to be called the Register of Titles, and shall bind up therein the duplicates of all grants, and of all certificates of title to be issued as hereinafter provided for; and each grant and certificate of title shall constitute a separate folium of such book, and the Registrar shall record therein the particulars of all instruments, dealings, and other matters by this Act required to be registered or entered in the register, and affecting the land included under each grant or certificate of title.

Particulars to be entered in it.

Presentation book: its form and use.

26. The Registrar shall also keep a book, to be called the Presentation Book, in which shall be entered by a short description every instrument which is given in for registration, with the day, hour and, minute of presentation; and for purpose of priority between mortgagees, transferees and others, the time of presentation shall be taken as the time of registration. The Registrar, in entering memorials upon the grants and certificates of titles embodied in the Register, and in endorsing a memorial upon an instrument to be issued, shall take the time from the presentation book as the time of registration.

Entries of memorials on grants and certificates of titles.

Registration of grants.

27. Every grant shall be deemed and taken to be registered under the provisions and for the purposes of this Act, so soon as the same shall have been marked by the Registrar with the folium and volume on and in which it is embodied in the Register; and every transfer and other instrument purporting to transfer, or in any way to affect land under the provisions of this Act, shall be deemed to be so registered as soon as a memorial thereof, as hereinafter described, shall have been entered in the Register upon the folium constituted by the existing grant or certificate of title of such land.

And of transfers and other instruments.

Instruments for registration to be in duplicate.

How attested.

Order of registration.

28. Except as hereinafter otherwise provided, every instrument presented for registration shall be in duplicate, and shall, unless a Crown Grant, be attested by a witness, and shall be registered in the order of time in which the same is presented for that purpose; and instruments registered in respect of or affecting the same estate or interest shall, notwithstanding any express, implied, or constructive notice, be entitled to priority according to the time of registration, and the Registrar, upon registration thereof, shall fyle one duplicate in his office, and shall deliver the other to the person entitled thereto; and so soon as registered every instrument shall, for the purposes of this Act, be deemed and be taken to be embodied in the Register as part and parcel thereof, and such instrument when so constructively embodied, and stamped with the seal of the Registrar, shall thereupon create, transfer, surrender or discharge, as the case may be, the estate or interest therein mentioned in the lands mentioned in the said instrument.

Effect of registration.

Certain covenants to be implied in instruments creating or transferring any estate or interest in land.

29. In every instrument creating or transferring any estate or interest in land under the provisions of this Act, there shall be implied the following covenant by the party creating or transferring such estate or interest, that is to say: That he will do such acts and execute such instruments as in accord-

ance with the provisions of this Act may be necessary to give effect to all covenants, conditions, and purposes expressly set forth in such instrument, or by this Act declared to be implied against such party in instruments of a like nature; and in any declaration in an action for a breach of any such covenant, the covenant alleged to be broken may be set forth, and it shall be lawful to allege that the party against whom such action is brought did so covenant, precisely in the same manner as if such covenant had been expressed in words in such memorandum of transfer or other instrument, any law or practice to the contrary notwithstanding; and every such implied covenant shall have the same force and effect and be enforced in the same manner as if it had been set out at length in such instrument; and where any memorandum of transfer or other instrument in accordance with the provisions of this Act is executed by more parties than one, such covenants as are by this Act to be implied in instruments of a like nature, shall be construed to be several and not to bind the parties jointly: Provided always, that every covenant and power to be implied in any instrument by virtue of this Act may be negatived or modified by express declaration in the instrument itself.

Effect of implied covenant: how pleaded.

How construed when executed by more parties than one.

Proviso: how negatived or modified.

Particulars required in memorials.

30. Every memorial entered in the Register shall state the nature of the instrument to which it relates, the day, hour and minute of the presentation of such instrument for registration, and the names of the parties thereto, and shall refer by number or symbol to such instrument, and shall be signed by the Registrar.

Memorial registered to be recorded on duplicate grant, &c.

31. Whenever a memorial of any instrument has been entered in the Register, the Registrar shall, except in the case of transfer or other dealing, endorsed upon any grant, certificate, or other instrument as hereinafter provided, record the like memorial on the duplicate grant, certificate, or other instrument evidencing title to the land intended to be dealt with or in any way affected, unless the Registrar shall, as hereinafter provided, dispense with the production of the same; and the Registrar shall endorse on every instrument so registered a certificate of the time at which the said instrument was presented to be registered, and shall authenticate each such certificate by signing his name and affixing his seal thereto, and such certificate shall be received in all Courts of Law as conclusive evidence that such instrument has been duly registered.

Certificate of time of registration.

Its effect as evidence.

No instrument except lease for a year or less valid until registered.

32. No instrument, until registered in manner hereinbefore described, shall be effectual to transfer any land or portion thereof, or any estate or interest therein (except a leasehold interest for a year or for a less period), under the provisions of this Act, or render such land liable as security for the payment of money; but upon the registration of any instrument in manner hereinbefore described, the land specified in such instrument shall pass, or, as the case may be, shall become liable as security, in the manner and subject to the covenants, conditions, and contingencies set forth and specified in such instrument or by this Act declared to be implied in instru-

Effect of registration.

ments of a like nature; and should two or more instruments executed by the same proprietor, and purporting to transfer the same land or portion thereof, be presented at the same time to the Registrar for registration and endorsement, he shall register and endorse that instrument under which the person claims who shall present to him the grant or certificate of title to such land. When two instruments to the same effect have been presented at the same time.

33. The Registrar shall not register any instrument purporting to transfer, or otherwise to deal with or affect any land under the provisions of this Act, except in the manner herein provided, nor unless such instrument be in accordance with the provisions hereof, but any instrument substantially in conformity with the schedules to this Act for an instrument of like nature shall be sufficient: Provided that the Registrar shall have power to reject any instrument appearing to be unfit for registration. Form of instruments for registration. Proviso.

34. The Registrar may register in the manner provided by this Act the following documents :— What documents may be registered.

1. Grants from the Crown.

2. Certificates of Title.

3. Mortgages.

4. Probates of Wills.

5. Exemplifications or office copies of Wills probated.

6. Transfers given by any public officer under sale by virtue of his office.

7. Powers of Attorney, under which any instrument affecting land can be executed.

8. Certificates of decrees of forfeiture and all judgments and other judicial determinations affecting any title or interest in land.

9. Certificates of the fyling or dismissal of any bill, or the taking of any proceedings in any court of competent jurisdiction whereby any title to or interest in any land may be brought in question.

10. Certificates of the payment in full of any sum secured by mortgage.

11. Certificates of the payment of any tax for the payment of which the land is offered for sale.

12. And all other instruments in any wise affecting lands in the Territory or Registration District for which the Registration Office is established. All other instruments affecting land

35. The Registrar may exercise the following powers in addition to the other powers conferred under this Act, that is to say :— Further powers of Registrar.

To require production of title.

1. He may require the proprietor or mortgagee, or other person interested in any land in respect of which any transfer, lease, mortgage, encumbrance, or other dealing, or release from any mortgage or encumbrance about to be transferred or transmitted, or in respect of which any transfer or transmission is about to be registered, or registration abstract granted, under this Act, to produce any grant, certificate of title, conveyance, mortgage, lease, or other instrument in his possession or within his control, affecting such land or the title thereto.

To summon parties to produce instruments, and give explanations respecting lands or titles.

Penalty for refusing the same.

2. He may summon any such proprietor, mortgagee or other person as aforesaid to appear, and give any explanations respecting such lands, or the instruments affecting the title thereto; and if, upon requisition made by the Registrar, such proprietor, mortgagee or other person refuses or wilfully neglects to produce any such instrument or allow the same to be inspected, or refuses or wilfully neglects to give any information or explanation which he is hereinbefore required to give, or knowingly misleads or deceives any person hereinbefore authorized to demand any such information, he shall, for each such offence, incur, upon conviction, a penalty not exceeding *five hundred dollars*; and

And Registrar may refrain from registering.

the Registrar, if the information or explanation so withheld appears to him material, shall not be bound to proceed with the registration of such transfer or other dealing, or with the issuing of such registration abstract, as the case may be.

Form of and mode of enforcing summons.

3. And every such summons issued by the Registrar as above mentioned, shall be in the form contained in Schedule C. to this Act or to like effect, and may be enforced by him in like manner and by the like proceeding, and with the like penalty as provided in sections *one hundred and fourteen, and one hundred and fifteen* for the case of any instrument issued in error or wrongfully retained.

Administering oaths, &c.

4. He may administer any oath or take any affirmation or declaration in lieu of an oath from any one entitled by law to affirm or declare.

Correcting errors in certificates of title, &c.

Proviso: as to mode of correction.

Its effect.

5. He may, upon such evidence as shall appear to him sufficient in that behalf, correct errors in certificates of title or in the Register, or in entries made therein respectively, and may supply entries omitted to be made; provided always, that in the correction of any such error he shall not erase or render illegible the original words, and he shall affix the date upon which such correction was made or entry supplied, with his initials; and every certificate of title so corrected, and every entry so corrected or supplied, shall have the like validity and effect as if such error had not been made or such entry omitted, except as regards any entry actually or constructively embodied in the Register prior to the actual time of correcting the error or supplying the omitted entries.

He may enter caveat on be-

6. He may enter a caveat, on behalf of Her Majesty or on behalf of any person who may be under the

disability of infancy, lunacy, unsoundness of mind or absence from the Territories, to prohibit the transfer or dealing with any land belonging, or supposed to belong, to the Crown or to any such person as hereinbefore mentioned, and also to prohibit the dealing with any land in any case in which it shall appear to him that an error has been made by misdescription of such land or otherwise, in any certificate of title or other instrument, or for the prevention of any fraud or improper dealing.

half of Her Majesty and certain other persons.

And prohibit dealing with land in certain cases.

7. He may mark or stamp any instrument produced to him with a memorandum indicating such production, and the number distinguishing the application in reference to which the same was produced.

May mark documents presented to him.

8. The Registrar shall endorse upon the grant from the Crown or upon the certificate of title, as the case may be, a memorial of every mortgage, encumbrance, lease, rent-charge, term of years, or other dealing affecting the land, and such memorial shall be endorsed upon the duplicate in the possession of the proprietor as well as upon the duplicate which is in the Register.

Shall endorse memorial of mortgage, &c, upon grant from Crown, &c.

9. The Registrar, in case he shall see reasonable cause for so doing, may dispense with the production of any grant, certificate of title, lease, or other instrument, for the purpose of entering the memorial by this Act required to be entered upon the dealing with land; and upon the registration of such dealing the Registrar shall note in the entry of the memorial in the Register that no entry of such memorial has been made on the duplicate grant or other instrument, and such dealing shall, thereupon, be as valid and effectual as if such memorial had been so entered: Provided always that before registering such dealing the Registrar shall, in such case, require the party dealing to make an affidavit that such grant or instrument has not been deposited by way of lien or as security for any loan, and satisfactorily to account to the Registrar for its non-production, and shall give at least thirty days' notice of his intention in some newspaper published in the Registration District, if there be such newspaper, or in the absence of such publication, to give such public notice as the Registrar may think necessary.

May dispense with production of instruments as respects entry of memorial.

Note on memorial in Register.

Proviso: may require affidavit of party not producing such instrument.

10. The Registrar may require the proprietor of any land within his Registration District desiring to transfer or otherwise to deal with the same under the provisions of this Act, to deposit with the Registrar a map or plan of such land, with the several measurements marked thereon, certified by a licensed surveyor, and upon one of the following scales:—

May require a plan of land dealt with.

(*a.*) If the land, or the portion thereof proposed to be transferred or dealt with, is of less area than one acre, then such map or plan shall be on a scale not less than one inch to two chains.

Scales of such map or plan.

(*b.*) If such land, or the portion thereof proposed to be transferred or dealt with, is of greater area than one

acre, but not exceeding five acres, then such map or plan shall be on a scale not less than one inch to five chains.

(*c.*) If such land, or the portion thereof proposed to be transferred or dealt with, is of greater area than five acres, but not exceeding eighty acres, then such map or plan shall be on a scale not less than one inch to ten chains.

(*d.*) If such land, or the portion thereof, proposed to be transferred or dealt with, is of greater area than eighty acres, then such map or plan shall be on a scale of one inch to twenty chains.

If party refuses to comply.

Proviso: as to subsequent sub-divisions of the land.

And if such proprietor neglects or refuses to comply with such requirements as aforesaid, it shall not be incumbent on the Registrar to proceed with the registration of such transfer or dealing: Provided always, that subsequent sub-divisions of the same land may be delineated upon the map or plan of the same so deposited, if such map be upon a sufficient scale in accordance with the provisions herein contained; and the correctness of the delineation of each such sub-division shall be acknowledged in manner prescribed for the case of the deposit of an original map.

As to parts of different legal sub-divisions.

Proviso.

11. Where parts of different legal sub-divisions are included in the same transfer, the map shall represent the whole of such legal sub-divisions, and shall indicate the location of the lands to be transferred: Provided always, that this shall not be necessary in the case of lots in a city, town or village, the plan of which has been registered.

Fees.

12. The Registrar shall demand and receive the several fees specified in Schedule D. to this Act, and may perform the duties and authorize the acts for which fees are specified therein.

Fees to be accounted for and paid to Receiver General.

13. The Registrar shall keep a correct account of all sums of money received by him in accordance with the provisions of this Act, and shall pay the same to the *Receiver-General* at such times and in such manner as shall be directed by the Governor in Council.

PART III.

CROWN GRANTS, CERTIFICATES OF TITLE, ABOLITION OF ESTATES TAIL, PROVISION FOR WIVES AND CHILDREN, TRUSTS, JOINT ESTATES.

Crown grants, form and registration of.

36. Crown Grants of land in the Territories shall be grants in fee simple, in accordance with the provisions of this Act, and Grants therefor shall be made out in duplicate in the form given in Schedule E to this Act, and the grants shall be registered in the office of the Registrar General, and one duplicate, with a memorandum of registration endorsed thereon, shall be forwarded to the Registrar of the Registra-

tion District in which the land so granted is situate; and in case any grant for lands in the Territories shall have been issued prior to the passing of this Act, the Registrar General shall forward to the said Registrar a copy of such Grant for the purpose of registration, and such copy shall be registered as a duplicate.

Grants issued prior to this Acs.

37. Any mortgage or other encumbrance created by any party rightfully in possession of lands prior to the issue of the grant, may be fyled in the office of the Registrar General, who shall endorse upon the duplicate of the grant a memorandum of such encumbrance, and when so entered and endorsed the said mortgage or encumbrance shall be as fully valid as if made subsequent to the issue of the grant; and should more than one mortgage or encumbrance be fyled, they shall be registered in the order of time in which they have been fyled in the office.

Mortgages or encumbrances prior to the grant.

If more than one.

38. When lands contained in a grant from the Crown have been transferred or transmitted in the manner hereinafter provided for, the Registrar shall cancel the Crown grant and make out in duplicate a certificate of title in favour of the new proprietor, in the form contained in Schedule F to this Act; one duplicate of which he shall register in the same manner as hereinbefore provided for grants from the Crown, and the other he shall deliver to the new proprietor; and in like manner a fresh certificate of title shall be issued at every fresh transfer *or transmission*, and the previous certificate of title shall be cancelled; and the title of the proprietor under each fresh certificate shall be valid and effectual in every respect as if he had been the original grantee in the grant from the Crown of the land contained in the certificate.

Certificate of title to land transferred after grant.

Duplicate to proprietor.

And so at every fresh transfer.

Title under fresh certificate.

39. The Registrar in cancelling any Crown grant or certificate of title shall do so by writing the word "cancelled" on the face of the certificate in the Register of titles, stating the exact time at which this is done, the person to whom a new certificate is issued, the number of such certificate and the volume and folium of the Register of titles in which it is recorded.

Cancellation of grant, &c., made of.

40. The duplicate certificate of title issued by the Registrar to any purchaser of land upon a genuine transfer or transmission from the registered proprietor thereof, shall be taken by all courts of law as conclusive evidence that the person named therein as proprietor of the land, is the absolute and *indefeasible* owner thereof, and the title of such proprietor shall not be subject to challenge, except on the ground of fraud or misrepresentation, to which he shall have been proved to be a party; and a certified copy of any registered instrument, signed by the Registrar and sealed with the seal of his office, shall be received in evidence in the same manner as the original.

Effect of duplicate of certificate as evidence.

Indefeasible title except in case of fraud proved.

Certified copy of any registered title: its effect.

41. It shall not be lawful for any grantee of Crown Lands, his heirs, representatives or assignees, by any transfer, trans-

Limited fees or fees-tail prohibited.

mission or dealing with the said lands, to change the fee-simple of the lands granted into any limited fee or fee-tail, but the land, whatever form of words may be used, in any instrument of transfer or transmission or dealing, shall be and remain an *absolute estate* in the proprietor for the time being.

Estate to be absolute in proprietor for time being.

Conditions in transfer not to be registered: but caveat may be founded on them.

42. When conditions are contained in any instrument of transfer *or transmission*, they shall not be registered, but any person who may consider himself entitled to challenge the right of the proprietor of the land, because of any condition contained in any such instrument, may enter a caveat in the manner hereinafter provided, to stop all dealings in the land conveyed by such instrument, until his rights be determined in the manner provided in Part XI of this Act.

When proprietor desires to charge his estate.

43. When a proprietor, in view of marriage, desires to make provision for his intended wife and the children of the marriage, or where a proprietor desires to make provision for his son or daughter or other person in view of his or her marriage, or where in his life time he desires to make provision for his wife or children, or where he desires to charge his estate in favour of any person, or for any lawful object whatever, he may execute an encumbrance in the form contained in Schedule G to this Act, or as near thereto as circumstances will permit, and the said encumbrance, when registered, shall fully and effectually charge the land with the encumbrance so created.

Execution of encumbrance.

When he desires to limit his estate to one for life

44. When the proprietor of the land desires to limit his own estate in the land to an estate for life, it shall be lawful for him to do so by a transfer, as set forth in Schedule H to this Act, or as near thereto as circumstances will permit; but he shall, by the same instrument, transfer from himself the fee simple, and his estate for life shall be deemed and taken to be a life rent enjoyment of the fruits of the estate, and an encumbrance on the fee simple, and it shall be registered by the Registrar as such, and endorsed on the duplicate certificate of title to be issued to the registered proprietor of the fee simple.

When transfer is to trustees, trusts not to be entered: duty of Registrar as to instrument creating trust

45. When the proprietor of the land transfers or transmits the same to trustees, the Registrar shall not make any entry in the Register of the trusts, but he shall register the fact that the persons in whose favour the instrument is granted are trustees, by adding the words "as trustees" after their names and designations in the Register, and on the duplicates of the certificates of title to be issued in their favour; and the instrument creating the trust, or a duplicate or certified copy thereof, shall be preserved in the Registry.

When encumbered lands are subsequently divided, &c.

46. When lands have been mortgaged or encumbered, and have been subsequently divided and transferred to different proprietors without the mortgage or encumbrance being discharged, and when several parcels of land are embraced in the same mortgage or encumbrance, the memorial made by the Registrar on each certificate of title shall disclose the fact that other lands than the parcel for which the

certificate of title is given, are held as security under such mortgage or encumbrance.

When there are two or trustees.

47. When two or more trustees are appointed, by any instrument of transfer or transmission, to execute a trust, and one or more of them die, the survivors or survivor of them may execute the trust, unless the terms of the instrument express a contrary intention, and the Registrar shall add after the words "as trustees" in the certificate of title, the words "with survivorship" or "no survivorship" or "with survivorship to a quorum," or as the case may be.

Caveat as to lands held in trust.

Effect.

48. The grantor of the instrument of trust, or the beneficiaries thereunder, or any one of the trustees, or the guardians or next friends of any infant having interest, may by caveat, as hereinafter provided, stay the registration of any instrument of transfer or dealing with the land by the trustees, until the caveator has been heard as to his interest in the manner provided in Part XI hereof.

Disclaimer by trustee not accepting.

49. Any person who shall not have given his consent to act as a trustee under any instrument of trust, may, either before or after the instrument of transfer or transmission creating such trust is registered, execute an instrument of disclaimer, and the Registrar shall take notice of such disclaimer, if received before the instrument of trust has been registered, by adding after the words "as trustee" following the name and designation of the person refusing to act, the word "disclaimer;" and if the duplicate certificate of title has already been issued, he may call it in for correction at the expense of the disclaiming trustee, but only when the said trustee has not acted in the trust.

Transfers, &c., to two or more to be deemed in common unless otherwise provided.

50. All transfers and devises of lands, or of any interest therein, made to two or more persons, except as provided in the next following section, shall be construed to create estates in common and not in joint tenancy; unless it manifestly appears from the tenor of the instrument that it was intended to create an estate in joint tenancy.

Exception as to mortgagé, &c., joint tenancy.

51. The next preceding section shall not apply to mortgages, nor to transfers in trust, nor to transfers made to husband and wife; and every estate vested in executors or trustees, husband and wife, as such, shall be held by them in joint tenancy.

Tenancy by the courtesy abolished.

52. Tenancy by the courtesy being inconsistent with the provisions respecting the descent of real estate made by Act 38 Victoria, chapter 49, intituled "*An Act to amend and consolidate the Laws respecting the North-West Territories*" is hereby declared to have been thereby abolished and is hereby abolished in all the Territores of Canada.

And in dower

53. Tenancy in dower is hereby abolished.

Wife's right on death of husband intestate.

54. When a husband dies, intestate, as to any land of which he is then proprietor, leaving a widow surviving

him, one third interest in such lands shall belong to her, provided that her right is not barred by her electing to take the homestead for life, or as hereinafter mentioned.

Husband's rights when a wife dies intestate.

55. When a wife dies intestate as to any lands of which she is then the proprietor in fee simple, leaving a widower surviving her, one third of her lands, or the value of such third, shall go to him, provided his right is not barred as hereinafter mentioned.

Wife's rights barred by marriage settlement.

Proviso.

56. Whenever an estate in lands is transferred to an intended wife, or to any person in trust for her, as a marriage settlement in lieu of her right in the lands of her husband, the same shall be a bar to her right in such lands : Provided always, that she, at the time of the execution of such transfer or settlement, subscribed the instrument creating such marriage settlement as an assenting party thereto.

Husband's rights barred by instrument of transfer.

Proviso.

57. Whenever an estate in lands or other property is transferred to an intended husband, or to any person in trust for him, as an equivalent for or in lieu of any right in the lands of his intended wife, the same shall be a bar to such right or claim : Provided that he at the time of the execution of such transfer or settlement subscribed the instrument making such transfer or settlement, as an assenting party thereto.

Wife to make election between lands devised, &c., or her legal right.

Proviso.

58. If lands be devised to a wife or any other provision be made for her by the will of her husband or by marriage settlement without her consent, in lieu of her right to the lands of her husband, which descend to her under section fifty-four of this Act, she shall make her election whether she will take the Estate so devised or the settlement so made, or whether she will retain the right to that portion of the lands which so descend to her ; but she shall not be entitled to both unless it plainly appears from the will or marriage settlement to have been the intention of the testator that she should have the lands so devised in addition to that portion of her husband's lands which descends to her under the provisions of this Act.

Forfeiture of wife's rights.

59. If a wife shall have left her husband, and shall have lived, after leaving him, in adultery, she shall take no part of the estate of her husband.

Or of husband's.

60. If a husband shall have left his wife and shall have lived in adultery after leaving her, he shall take no part of her estate.

Illegitimate children to inherit from mother.

61. Illegitimate children shall inherit from the mother as if they were legitimate, and through the mother if dead, any property or estate which she would, if living, have taken by purchase, gift, devise, or descent from any other person.

And mother from them.

62. When an illegitimate child dies intestate without issue, the mother of such child shall inherit, subject to any rights acquired by the husband or wife, as the case may be, under section fifty-four or fifty-five of this Act.

63. The provisions of the Act 38 Victoria, chapter 49, entitled "*An Act to amend and consolidate the laws respecting the North-West Territories*," as to the descent of lands, do not and shall not extend or apply to lands held by the deceased in trust for any other person or persons; and such lands shall, if they do not, under the instrument creating the trust, devolve in trust on any certain person or party, go to the administrator of the deceased trustee, and be by him administered in conformity with the conditions contained in the instrument creating the trust.

Provisions of 38 Vic., cap. 49, not to apply to lands held in trust.

How such lands shall be dealt with.

PART IV.

SUCCESSION TO LAND IN CASES OF INTESTACY.

64. From and after the passing of this Act, all lands, (except lands held in trust), which by the operation of the law relating to real property now in force within the Territories would upon the death of the owner, intestate in respect of such land, pass to his heir or heirs at law, shall, instead thereof, pass to and become vested in *his personal representatives*, or the administrator of his estate, in like manner as chattels real.

Lands not in trust vested in personal representatives.

65. Lands so passing shall be included by the Administrator in his inventory and account, and be disposable in like manner as personal assets, without distinction as to order of application for payments of debts or otherwise, except that debts shall be paid out of personalty as far as can be done; and the net proceeds of such lands, after payment of the debts and liabilities of the intestate, or the lands themselves, if there are no such debts and liabilities or if such debts can be satisfied out of his personal property, shall go to and be transferred by the administrator to the persons entitled as heirs of the deceased proprietor, subject to the provisions hereinafter made for partition among such persons, if they cannot be conveniently divided among the persons entitled.

Administrator's duty as to lands.

Net proceeds to go to heirs.

66. It shall be lawful, from time to time, for the Court, upon the application of the Administrator or of any person beneficially interested, and after such previous notice to other parties and after such inquiry as it shall think fit, to order and direct the course of proceeding, which shall be taken in regard to the time and mode of sale of such land; the letting and management thereof until sale; the application for maintenance, or advancement or otherwise of shares of infants; the expediency and mode of effecting a partition if applied for; and generally in regard to the administration of the property for the greatest advantage of all persons interested: Provided that any partition under this section shall be subject to the provisions hereinafter made as to partitions in other cases, unless the Court should (as it may do for cause shown) vary or dispense with any of the said provisions, or any of the requirements thereof.

Court on application may make certain orders as to lands of intestate.

Proviso, as to partition.

Court may in certain cases order partition by arbitrators.

67. Provided further that in any case wherein, upon such inquiry, the Court shall be satisfied that a partition of the land in the manner hereinafter mentioned would be more advantageous to the parties interested therein, it shall be lawful for the Court to appoint one or more arbitrators to effect such partition, and to exercise in regard thereto, under the direction and control of the Court, such powers as the Court may, by any order confer; And the report and final award of the said arbitrators, setting forth the particulars of the land allotted to each party interested shall, when signed by them and confirmed by the order of the Court, and when also registered, be effectual without the necessity of any further proceeding, to vest in each allottee the land so allotted, and to empower the Registrar to grant a certificate of title to each such allottee.

Award to be final when confirmed by Court.

Certificates to allottees.

68. In whatever way the partition is made, it shall be the duty of the Registrar to issue to each allottee a certificate of title accordingly, and to open a folium in the Register for each allottee in manner hereinafter provided in the case of transfers. And if such allotment be made subject to the charge of any money payable to any other party interested for equalizing the partition, such charge shall, when registered, take effect according to the terms and conditions in regard to the time and mode of payment and otherwise, which shall be expressed in such award, without the necessity of any further instrument being made or executed, and a memorial thereof shall be entered on the folium of the Register and on the certificate of title delivered to the allottee.

If allotment be subject to any charge.

Court may make rules for guidance of administrators as to real estate.

Proviso.

69. It shall be lawful for the Court, from time to time, to make rules for the ordinary guidance of administrators in relation to the real estate administered as personal assets, either by inserting the same in letters of administration, or promulgating the same in like manner with other general rules affecting the practice of the Court; Provided that no rules shall prejudice or control the effect of any special order to be made by the Court, upon such an inquiry as aforesaid in any particular case.

Application of preceding provisions.

70. The preceding provisions shall be alike applicable to any executor to whom, in case of *partial intestacy*, land shall pass under this Act, and to any administrator of the estate of a deceased person, and to any other person fulfilling a like duty.

Lands liable for debts of deceased.

71. All lands of a deceased person, testate or intestate, with respect to them, except only the widow's share thereof, shall be liable, in proportion to their respective values, in the hands of the administrator or of the devisee, for the debts and liabilities of the deceased, after payment of debts, liabilities and bequests out of his personalty, unless he died testate, and by his will has directed otherwise, in which case his directions shall be obeyed as to any surplus left after the satisfaction of his debts and liabilities.

PART V.

TRANSFERS.

Form of transfer.

72. When land under the provisions of this Act, or any portion of such land, is intended to be transferred, or any right-of-way or other easement is intended to be created or transferred, the registered proprietor may execute a transfer in the Form contained in Schedule H to this Act, which transfer shall, for description of the land intended to be dealt with, refer to the grant or certificate of title of such land, or shall give such description as may be sufficient to identify the same, and shall contain an accurate statement of the land or easement intended to be transferred or created, and a memorandum of all leases, mortgages, and other encumbrances, to which the same may be subject, and of all rights of ways, easements and privileges intended to be conveyed ; and such transfer, if it be endorsed on the instrument evidencing the title of the transferror, need not be executed in duplicate.

What to contain.

If endorsed on instrument of title.

When easement or incorporeal right is created.

Memorial to be registered.

73. Whenever any easement or any incorporeal right other than an annuity or rent charge, in or over any land subject to the provisions of this Act, is created for the purpose of being annexed to or used and enjoyed together with other land under the provisions of this Act, the Registrar shall enter a memorial of the instrument creating such easement or incorporeal right upon the folium of the Register constituted by the existing grant or certificate of title of such other land.

If the whole or part of land mentioned in grant or certificate of title is transferred.

Proviso : if the whole is transferred.

74. If the transfer purports to transfer the whole or part of the land mentioned in any grant or certificate of title, the transferror shall deliver up the duplicate grant or certificate of title of the said land, and the Registrar shall when registering the transfer enter in the Register and on the duplicate grant or certificate of title, a memorandum cancelling the same, either wholly or partially, according as the transfer purports to transfer the whole or part only of the land mentioned in such grant or certificate of title ; Provided always that in case the whole of the land mentioned in any grant or certificate of title is transferred, the Registrar may, except when a tenancy in common is thereby created or cancelled, instead of cancelling the same enter in the Register and on the duplicate grant or certificate of title, a memorial of such transfer, and deliver the duplicate to the transferree.

New certificate to transferree.

Contents thereof.

Duty of Registrar

75. The Registrar, upon cancelling any grant or certificate of title, either wholly or partially, pursuant to any such transfer, shall make out to the transferree a certificate of title to the land mentioned in such transfer, and every such certificate of title shall refer to the original grant of such land and to the instrument of transfer, and the Registrar shall retain every transfer and cancelled grant or certificate of title, and in the case of a partially cancelled grant or certificate of title, shall return the duplicate to the grantee after the memorandum partially cancelling the same has been entered thereupon, or may, whenever required thereto

by the proprietor of an unsold portion of land included in any such partially cancelled grant or certificate of title, or by a registered transferree of such portion, or of any part thereof, or where such a course may appear more expedient, make out to such proprietor or transferree a certificate of title for such portion or any part thereof, of which he is the proprietor or transferree, upon the delivery of the partially cancelled grant or certificate of title to the Registrar to be cancelled and returned.

Covenants to be implied in every transfer.

76. In every instrument transferring an estate or interest in land under the provisions of this Act, subject to mortgage or encumbrance, there shall be implied the following covenant by the transferree, that is to say : That such transferree will pay the interest, annuity or rent charge secured by such mortgage or encumbrance, after the rate and at the time specified in the instrument creating the same, and will indemnify and keep harmless the transferror from and against the principal sum secured by such instrument, and from and against all liability in respect of any of the covenants therein contained or under this Act implied, on the part of the transferror.

Transfers of mortgages, leases, &c.

77. Mortgages, encumbrances and leases, may be transferred by a transfer executed in the form contained in Schedule I to this Act. The transfer must be registered in the manner hereinbefore set forth, and transferrees shall have priority, according to the date and time of registration. And any mortgagee may transfer a part of the sum secured by the mortgage by a transfer executed in the form of Schedule J to this Act, and the part so transferred shall continue to be secured by the mortgage, and may be given priority over the remaining part, or may be deferred, or may continue to rank equally with it under the security of the original mortgage, as may be stated in the instrument of transfer, and the Registrar shall enter on the certificate of Title a memorial of the amount of the mortgage so transferred, the name of the transferree, and how the sum so transferred is to rank, and shall notify the mortgagor of the facts.

Effect of registration thereof.

78. Upon the registration of any transfer of any mortgage, encumbrance or lease, the estate or interest of the transferror, as set forth in such instrument, with all rights, powers and privileges thereto belonging or appertaining, shall pass to the transferree, and such transferree shall thereupon become subject to and liable for all and every the same requirements and liabilities to which he would have been subject and liable if named in such instrument originally as mortgagee, encumbrancee, or lessee of such land, estate or interest.

Further rights of transferree.

79. By virtue of every such transfer the right to sue upon any mortgage or other instrument, and to recover any debt, sum of money, annuity, or rent charge thereunder, (notwithstanding the same may be deemed or held to constitute a *chose* in action) and all interest in any such debt, sum of money, annuity, or rent charge, shall be transferred

so as to vest the same in law in the transferree thereof: Provided always that nothing herein contained shall prevent the court from giving effect to any trusts affecting the said debt, sum of money, annuity, or rent charge in case the transferree shall hold the same as trustee for any other person. Proviso: as to trusts.

PART VI.

LEASES.

80. When any land under the provisions of this Act is intended to be leased or demised for a life or lives, or for any term of years exceeding one year, the proprietor shall execute a lease in the form contained in Schedule K to this Act, and every such instrument shall, for description of the land intended to be dealt with, refer to the grant or certificate of title of the land, or shall give such other description as may be necessary to identify such land; and a right for or covenant by the lessee, to purchase the land therein described, may be stipulated in such instrument, and in case the lessee pays the purchase money stipulated, and otherwise observes his covenants expressed and implied in such instrument, the lessor shall be bound to execute a transfer to such lessee of the said land and the fee simple thereof, and to perform all necessary acts, by this Act prescribed, for the purpose of transferring land to a purchaser in fee simple: Provided always that no lease of mortgaged or encumbered land shall be valid and binding against the mortgagee or encumbrancee, unless such mortgagee or encumbrancee shall have consented to such lease prior to the same being registered, and that no lease for a period exceeding one year shall be valid unless registered. Form of lease —and what to contain. Stipulation for sale and purchase. Proviso: as to land encumbered.

81. Any lease or agreement for a lease which shall have been granted for a term not exceeding one year, shall be valid without registration: Provided that no right or covenant to purchase the freehold, contained in any such lease or agreement, shall be valid as against any subsequent purchaser of the reversion, unless such lease or agreement be registered. Leases under a year. Proviso: as to stipulation for purchase.

82. Where a lessee or his assignee has delivered to the lessor or his agent the duplicate of the lease accompanied by some writing signed by the lessee or his assignee, evidencing his intention to give up possession of the land comprised in such lease, the Registrar may, upon application to him by the lessor, and production of such evidence as he may require, that the lessee or his assignee has abandoned the occupation of the land comprised in the said lease, make an entry in the Register of the surrender of such lease; and a lease may be extended in the manner hereinafter provided as to mortgages and encumbrances. Lessee abandoning possession. Entry by Registrar.

83. In any memorandum of lease, unless a contrary intention appears therein, there shall be implied the following covenants against the lessee, that is to say: Conditions implied against lessee.

1. That he will pay the rent thereby reserved, at the times therein mentioned, and all rates and taxes which may be Pay rent and taxes.

payable in respect of the demised property during the continuance of the lease.

Keep property in repair.

2. That he will at all times during the continuance of the said lease keep, and at the termination thereof yield up, the demised property in good and tenantable repair, accidents and damage to buildings from fire, storm, and tempest, and reasonable wear and tear, excepted.

And powers in favour of lessor.

84. In any memorandum of lease unless a different intention appears therein, there shall also be implied the following powers in the lessor, that is to say:—

To distrain.

1. That he may distrain, according to law.

To inspect premises.

2. That he may, by himself or his agents, twice in every year during the term, at a reasonable time of the day, upon giving the lessee two days previous notice, enter upon the demised property and view the state of repair thereof, and may serve upon the lessee, or leave at his last or usual place of abode, or upon the demised premises, a notice in writing of any defect, requiring him within a reasonable time, to be therein mentioned, to repair the same.

To re-enter on default of compliance with conditions.

3. That in case the rent or any part thereof is in arrear for the space of *one* calendar month, or in case default shall be made in the fulfilment of any covenant, whether expressed or implied, in such lease on the part of the lessee, and shall be continued for the space of six calendar months, or in case the repairs required by such notice as aforesaid shall not have been completed within the time therein specified, such lessor may enter upon and take possession of such demised premises.

Duty of Registrar in case of re-entry.

85. In any such case the Registrar, upon proof to his satisfaction of lawful re-entry and recovery of possession, by a lessor, shall note the same by entry in the Register, and the estate of the lessee in such land shall thereupon determine, but without releasing the lessee from his liability in respect of the breach of any covenant in such lease expressed or implied, and the Registrar shall cancel such lease if delivered up to him for that purpose.

Short form of lease: conditions implied. Schedule L.

86. Whenever in any lease made under this Act, the lessee shall adopt any of the forms of words in column one of the form contained in Schedule L to this Act, and distinguished by any number therein, such lease shall be taken to have the same effect and be construed as if he had inserted therein the form of words contained in column two of the same Schedule and distinguished by the same number; and every such form shall be deemed a covenant with the lessor and his transferrees by the lessee, binding the latter and his heirs, executors, administrators and transferrees, but it shall not be necessary in any such lease to insert any such number. There may be introduced into or annexed to any of the forms in the first column any expressed exceptions from or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from, or in corresponding forms in the second column.

87. Whenever any lease or demise which is required to be registered by the provisions of this Act is intended to be surrendered, and the surrender thereof is effected otherwise than through the operation of a surrender in law, or than under the provisions of any law relating to bankrupt estates, there shall be endorsed upon such lease or counterpart thereof the word "surrendered," with the date of such surrender, and such endorsement shall be signed by the lessee and the lessor as evidence of the acceptance thereof, and shall be attested by a witness, and the Registrar shall thereupon enter in the Register a memorial recording the date of such surrender, and shall likewise endorse upon the lease a memorandum recording the fact of such entry having been so made in the Register, and upon such entry having been so made, the estate or interest of the lessee in such land shall vest in the lessor or in the person in whom, having regard to intervening circumstances, if any, the said land would have vested if no such lease had ever been executed, and production of such lease or counterpart bearing such endorsed memorandum, shall be sufficient evidence that such lease has been so surrendered ; Provided, that no lease subject to mortgage or encumbrance shall be surrendered without the consent of the mortgagee or encumbrancee.

Surrender effected otherwise than by operation of law.

Duty of Registrar

88. When the lessee of any land for a term of years shall be deceased, it shall be lawful for his executor, administrator, or other persons lawfully administering his estate, to apply, with the consent of the person or persons beneficially entitled to such leasehold interest, to the court or a judge thereof, for leave to commute the liability of the estate of the deceased lessee under such lease, by paying into court such sum of money as the court or judge may order, *ex parte* or otherwise as to such court or judge shall seem fit; and upon the production to the Registrar of such order as aforesaid, and a certificate from the Registrar of such Court that the terms thereof have been complied with, it shall be lawful for the Registrar to enter in the Register the word "cancelled" upon the Register folium of such lease and upon the lease if produced to him for that purpose, and thereupon such lease shall be cancelled and of no effect.

Case of death of lessee provided for : Proceedings.

Duty of Registrar.

PART VII.

MORTGAGES AND ENCUMBRANCES.

89. Whenever any land subject to the provisions of this Act is intended to be charged or made security in favour of any mortgagee, the mortgagor shall execute a mortgage in form contained in Schedule M to this Act, or to the like effect ; and whenever any such land is intended to be charged with or made security for the payment of an annuity, rent charge, or sum of money, in favour of any encumbrancee, the encumbrancer shall execute an encumbrance in form contained in Schedule G to this Act, or to the like effect, which must be registered as hereinbefore provided for.

Forms of mortgage and of encumbrance.

90. The mortgagor and mortgagee, the encumbrancer and the encumbrancee, or their respective transferrees, may,

Extension of mortgage, encumbrance

or lease, how effected.

before and after the expiration of any mortgage or encumbrance, and the lessor and lessee or their respective transferrees, may before, at, or after the expiration of any lease, if agreeing to an extension of time for such mortgage, encumbrance or lease, upon the same terms as mentioned in the mortgage, encumbrance, or lease, cause to be endorsed upon the mortgage, encumbrance, or lease the word "extended," signed by the mortgagor and mortgagee, encumbrancer and encumbrancee, or lessor and lessee, or their respective transferrees, and duly witnessed, which shall mean a further extension for one year, or if the agreement is for a longer or shorter time, may add such further words as may be required; and such extended term shall have the same effect as if the same were expressed in the original instrument, and upon being presented to the Registrar he shall enter a memorial in the Register of such extension, and on the duplicate of such mortgage, encumbrance, or lease fyled, as the case may require; and if any reduction of interest or rent is agreed upon, or other alteration of terms made in consideration of such extension, such reduction, increase or alteration shall also be added: Provided that in the case of an extension of a lease of land which is under mortgage or encumbrance, the consent of the mortgagee or encumbrancee must also be obtained in writing.

Duty of Registrar.

Proviso: as to extension of lease in case of land under mortgage, &c.

Mortgage or encumbrance not a transfer.

91. Mortgage and encumbrance under this Act shall have effect as security, but shall not operate as a transfer of the land thereby charged.

Notice to mortgagor or encumbrancee in case of failure to observe covenants.

92. In case default be made in payment of the principal sum, interest, annuity, or rent charge, or any part thereof, thereby secured, or in the observance of any covenant expressed in any mortgage or encumbrance registered under this Act, or that is herein declared to be implied in such instrument, and such default be continued for the space of *one* calendar month, or for such longer period of time as may therein for that purpose be expressly limited, the mortgagee or encumbrancee may give to the mortgagor or encumbrancer notice in writing to pay, within a time to be specified, the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be, and that all remedies competent will be resorted to unless such default be remedied; or where the mortgagor or encumbrancer cannot be found, may give such notice in that behalf to the mortgagor or encumbrancer in such manner as a judge of the court in chambers on summary application *ex parte* may direct.

Power of mortgagee or encumbrancee to enter into possession and receive rents, &c.,—or apply for sale.

93. After such default in payment, or in observance of covenants, continuing for the further space of *two* calendar months from the service or giving of such notice, or for such longer period as may, in such instrument, be for that purpose limited, the mortgagee or encumbrancee may enter into possession of the mortgaged or encumbranced lands and receive the rents and profits thereof, or he may distrain upon the occupier or tenant of the said land for the rent then due, or by summons call the mortgagor or

encumbrancer before a Judge of the Court in Chambers, to show cause why the lands subject to the mortgage or encumbrance should not be sold by public auction under direction of the Registrar. If no cause be shown to the satisfaction of the Judge, he shall order the public sale of the lands to take place at such place and time as shall appear most suitable, but not less than three months from the date of the order, and it shall be the duty of the Registrar, before registering any transfer pursuant to the sale, to see that the sale of the lands has been publicly notified during these three months by the mortgagee or encumbrancee, by the publication of such notice of sale in some newspaper printed in the Territory or district, or as near thereto as may be, or as may be directed by the Judge ordering the sale, or as regulated by the rules of the Court in that behalf.

Judge may order sale, after a certain delay.

Duty of Registrar.

Public notice of sale.

94. Whenever a mortgagee or encumbrancee gives notice to the mortgagor or encumbrancer, and to the tenant or occupier or other person liable in that behalf to pay over to him the rents and profits, all the powers and remedies of the mortgagor or encumbrancer in regard to receipt, and recovery of, and giving discharges for such rents and profits, shall be suspended and transferred to the said mortgagee or encumbrancee until such notice be withdrawn, or the mortgage or encumbrance shall be satisfied, and a discharge thereof duly registered, and in every such case the receipt in writing of the mortgagee or encumbrancee shall be sufficient discharge for any rents and profits therein expressed to be received, and no person paying the same shall be bound to enquire concerning any default or other circumstance affecting the right of the person giving such notice, beyond the fact of his being duly registered as mortgagee or encumbrancee of the land; Provided that nothing herein contained shall interfere with the effect of any rule, order or judgment of the Court in regard to the payment of rent under the special circumstances of any case, nor shall prejudice any remedy of the mortgagor or encumbrancer against the mortgagee or encumbrancee for wrongful entry, or for an account.

After notice of entry; tenant to pay rent to mortgagee or encumbrancee.

Proviso: as to rule of Court in the matter.

95. After such default the mortgagee or encumbrancee may prepare the conditions of sale, which shall be deposited with the Registrar at least one week before the date fixed for the sale, to be open to the inspection of any one desirous to examine the same.

Conditions of sale, to be deposited with Registrar, &c.

96. When the mortgaged lands consist of distinct parcels, the parcels shall be sold separately, and no more of them shall be disposed of than is necessary to satisfy the mortgage in principal and interest, and the costs and other expenses lawfully incurred.

Sale of land divided into parcels.

97. At the sale the Registrar may, if he shall think it necessary, take the assistance of a licensed auctioneer, but, in any case, the sale shall be under the direction of the Registrar, who shall receive the bids and settle summarily any question which may arise in the course of the proceed-

Powers and duty of Registrar as to sale.

Appeal to Court in certain cases.

ings, and shall declare to what bidder the land has been knocked down, and his decision shall not be subject to question or appeal on matters of form or order; but when any question arises involving the competency of the whole proceeding, or the right of any particular bidder to be preferred, the parties feeling themselves aggrieved may appeal to the Court, and in a summary manner, if no form to be regulated by the rules of court hereinafter referred to shall have been provided.

Mortgagee or encumbrancee may bid *and buy*.

98. The mortgagee or encumbrancee may bid at the sale, *and become the purchaser of the land;* and the Registrar or some one authorized by him shall knock down the lands to the highest bidder, and upon payment of the price shall issue his certificate of sale and payment.

Transfer—and duty of Registrar.

99. The said Registrar shall thereupon deal with the certificate in all respects as a valid transfer of the lands, and shall make the necessary memorials and issue such certificate of title as may show that the purchaser is the registered owner of the lands.

Registrar to prepare scheme of ranking and distribution of proceeds of sale.

100. The Registrar shall prepare a scheme of ranking on the price obtained for the said lands, providing first for the costs, then for the payment of the first mortgage or encumbrance affecting the said lands, then for subsequent mortgages or encumbrances in the order of their priority, until the price be exhausted, if so much is required, and he shall pay over the surplus of the price, if any, to the mortgagor or encumbrancer. It shall be the duty of the mortgagees and encumbrancees, and all other parties claiming to rank upon the said sum, to deposit with the Registrar memoranda of their claims and the mortgages, encumbrances or other titles in support thereof, within such time as shall be prescribed by any rules of Court, and the Registrar shall deal therewith, and proceed with his scheme of ranking in such manner as may be provided by any rules of Court in that behalf.

Duty of claimants on proceeds.

Questions as to ranking to be decided by Court.

101. When any question arises in the course of the ranking upon which the claimants are not agreed, and which involves the position in point of priority, under the scheme of ranking of any claimant, or any principle of law affecting the rights of parties, the Registrar shall report the same to the Court, and the Court shall order the case to be set down for hearing, and shall hear and determine the same, and deal with it as with any cause regularly brought before the Court under the rules thereof. And the Registrar shall be entitled to charge for and retain for his services in connection with the sale and ranking, such fees as may, from time to time, be authorized by any rule of Court in that behalf.

Fees to Registrar.

Sale not to be impugned. Rights of adjudicatee.

102. When lands have been so sold before the Registrar and any appeals under section 97 finally disposed of, the sale shall be final, and it shall not be lawful for the mortgagor or encumbrancer, or any mortgagee or encumbrancee, or any other party or parties whatever, to challenge or impugn the

same on any ground whatever, and the bidder preferred and in whose favour the certificate before mentioned has been issued and registered, shall be the absolute owner of the land so sold, as fully and completely as if he had been the original grantee in a Crown grant of the said lands.

Discharge of mortgage or encumbrance.

103. Upon the production of any mortgage or encumbrance having thereon an endorsement signed by the mortgagee or encumbrancee, and attested by a witness, discharging the land from the whole or part of the principal sum or annuity secured, or discharging any part of the land comprised in such instrument from the whole of such principal sum or annuity, the Registrar shall make an entry in the Register noting that such mortgage or encumbrance is discharged wholly or partially, or that part of the land is discharged as aforesaid, as the case may require; and upon such entry being so made the land, or the estate or interest in, or the portion of the land mentioned or referred to in such endorsement as aforesaid, shall cease to be subject to or liable for such principal sum or annuity, or, as the case may be, for the part thereof noted in such entry as discharged.

Duty of Registrar.

Effect of entry of discharge.

Death of annuitant or cessation of encumbrance.

104. Upon proof of the death of the annuitant, or of the occurrence of the event or circumstance upon which, in accordance with the provisions of any encumbrance, the annuity or sum of money thereby secured shall cease to be payable, and upon proof that all arrears of the said annuity and interest or money have been paid, satisfied, or discharged, the Registrar shall make an entry in the Register noting that such annuity or sum of money is satisfied and discharged, and shall cancel such instrument; and upon such entry being made the land shall cease to be subject to or liable for such annuity or sum of money, and the Registrar shall, in any or either such case as aforesaid, endorse on the grant, certificate of title, or other instrument evidencing the title of the mortgagor or encumbrancer to the land mortgaged or encumbered, a memorandum of the date on which such entry as aforesaid was made by him in the Register, whenever such grant, certificate of title, or other instrument is presented to him for that purpose.

Entry by Registrar.

Its effect.

Duty of Registrar.

Payment into Court if mortgagee desires to pay off, and there is no person in Registration District entitled to receive and discharge.

105. If any mortgagor becomes entitled to pay off the mortgage money, and the registered mortgagee shall be absent from the Registration District, and there be no person authorised to give a receipt to the mortgagor for the mortgage money, it shall be lawful for the *Court* to receive such mortgage money with all arrears of interest then due thereon, in trust for the mortgagee or other person entitled thereto, and thereupon the interest upon such mortgage shall cease to run or accrue and the Registrar shall, upon presentation of the receipt of the proper officer of the *Court* for the amount of the said mortgage money and interest, make an entry in the Register discharging such mortgage, stating the day and hour on which such entry is made, and such entry shall be a valid discharge for such mortgage and shall have the same force and effect as is hereinbefore given to a like entry when made upon production of the mortgage with

Registration of discharge.

Endorsement on grant, &c.

the receipt of the mortgagee, and the Registrar shall endorse on the grant, certificate of title, or other instrument as aforesaid, and also on the mortgage, whenever those instruments shall be brought to him for that purpose, the several particulars hereinbefore directed to be endorsed upon each of such instruments respectively.

Covenant to repair and insure implied against mortgagor.

106. In every mortgage there shall be implied against the mortgagor remaining in possession, a covenant that he will repair and keep in repair and insure all buildings or other improvements erected and made upon the land, and that the mortgagee may at all convenient times, until such mortgage be redeemed, be at liberty with or without surveyors or others, to enter into and upon such land to view and inspect the state of repair of such buildings or improvements.

PART VIII.

POWERS OF ATTORNEY.

Powers of attorney to be in form of Schedule N.

107. The registered proprietor of any land under the provisions of this Act may authorize and appoint any person to act for him or on his behalf in respect of the transfer or other dealing with such land in accordance with the provisions of this Act by executing a power of attorney in the form contained in Schedule N hereto annexed or as near thereto as circumstances will permit, and a duplicate thereof shall be deposited with the Registrar, who shall enter in the Register a memorandum of the particulars therein contained and the date and hour and minute it is deposited with him.

Registration.

Revocation of power,—form of.

108. Any such power of attorney may be revoked by a revocation order in the form contained in Schedule O hereto annexed, and after the registration of any revocation of a power the Registrar shall not give effect to any transfer or other instrument signed pursuant to such power unless under any registration abstract outstanding at the time.

Notice of revocation to Attorney.

109. After the registration of any revocation of a power of attorney, the Registrar shall notify the person to whom the power of Attorney was given that the power has been revoked. and he shall surrender the same to the Registrar upon the receipt of such notice; and any attempt to exercise the power after such notice has been given by the Registrar shall be deemed a felony and shall be punishable upon conviction by not less than years and not exceeding years imprisonment at the discretion of the Court.

Penalty for attempting to act after revocation.

PART IX.

REGISTRATION ABSTRACT.

Registrar to grant abstract on application of owner, to enable him to deal with land when he is out of the Territories.

110. The Registrar, upon the application of any registered proprietor of land subject to this Act, shall grant to such proprietor a registration abstract in the form contained in Schedule P hereto annexed, enabling him to transfer or otherwise deal with his land at any place without the limits of the Territories, and shall at the same time enter in the Register a memorandum recording the issue of such

registration abstract, and shall endorse on the grant, certificate of title or other instrument evidencing the title of such applicant proprietor, a like memorandum; and after the issuing of such registration abstract no transfer or other dealing in any way affecting the land in respect of which such registration abstract is issued shall be entered in the Register until such abstract shall have been surrendered to the Registrar to be cancelled, or the loss or destruction of such abstract has been proven to his satisfaction: Provided always, that this shall not prevent a sale of the property upon any decree or judgment of Court subsequently obtained or for unpaid taxes legally imposed. Proviso.

111. Whenever any dealing is intended to be transacted after any such registration abstract has been issued, a transfer or other instrument, as the case may require, shall be prepared in duplicate in the form herein appointed, and shall be produced to some one of the persons hereinafter appointed as persons before whom the execution of instruments without the limits of the Territories may be proven, and upon a memorial of such instrument being entered upon the registration abstract and authenticated by the signature of such authorized person as aforesaid in manner herein directed for the entry of memorials in the Register, such instrument shall be held to be registered and such transfer or other dealing shall be as valid and binding as if the same had been entered in the Register by the Registrar; and whenever a memorial of any instrument which has not been endorsed upon the instrument evidencing the title to the estate or interest intended to be dealt with, has been entered upon the registration abstract, such authorized person as aforesaid, shall record a like memorial on the duplicate grant, certificate of title, lease, or other instrument evidencing title, as aforesaid, and the certificate of registration endorsed on the instrument of which the memorial has been so entered and signed by such authorized person and sealed with his seal of office, shall be received in all courts of law as conclusive evidence that such instrument has been duly registered.

Mode of dealing with such land by owner when he is out of the Territories.

Entry on Registration abstract of memorial of instrument.

Certificate and its effect.

112. Upon the delivery of such registration abstract to the Registrar, he shall record in the Register in such manner as to preserve their priority, the particulars of every transfer or other dealing, recorded therein, and shall file in his office duplicates of every memorandum of transfer or other instrument executed thereunder which may for that purpose be delivered to him, and shall cancel such abstract, and note the fact of such cancellation in the Register; and if a freehold estate in such land or in any part thereof be transferred, the grant or certificate of title shall be delivered up to the Registrar who shall thereupon proceed as is hereinbefore directed in the case of transfer of land.

Duty of Registrar on presentation of abstract having dealings entered on it.

113. Upon proof at any time to the satisfaction of the Registrar that any registration abstract is lost or is so obliterated as to be useless, then upon proof of the several matters and things, if any, that have been done thereunder, it shall

Provision in case of loss of Registration abstract.

be lawful for the Registrar, as circumstances may require, either to issue a new registration abstract, or to direct such entries to be made in the Register, or such other matter or thing to be done, as might have been made or done if no such loss or obliteration had taken place.

PART X.

TRANSMISSIONS.

Devises to be deemed transfers.

114. Whenever the proprietor of any lands dies testate, the lands devised by him shall vest in the devisees, and when probate, or an exemplification or office copy, of the will of the deceased proprietor is produced and left with the Registrar for the purpose of recording the same in the Register, he shall enter the date of the will and of the probate and the date, hour, and minute of the production of the same, or of the exemplication or office copy, to him, the date of the death of such proprietor when the same can be ascertained, and such other particulars as he may deem necessary, and such probate, exemplification or office copy of the will shall be regarded as a transfer of the lands, and certificates of title in conformity to the provisions of this Act shall be issued to the devisees, of their respective estates; the residue of any estate not devised shall vest in the executor in trust as hereinafter provided.

Residue to vest in executor in trust.

Case of will and executor, but lands not devised: or intestacy.

115. Whenever the proprietor of any lands dies leaving a will and an executor or executors, but leaving lands not devised, such lands shall be transmitted to the executor or administrator of the deceased proprietor, and in case of intestacy, the lands of the intestate shall go in trust for the purposes of this Act to such person as the Court shall appoint to administer the estate of the deceased proprietor, and the executor, or administrator, shall, before dealing with such lands, make application in writing to the Registrar to be registered as proprietor, and shall produce to the Registrar the probate of the will of the deceased proprietor, or letters of administration, or the order of the Court authorizing him to administer the estate of the deceased proprietor, or an office copy of the said probate, letters of administration or order, as the case may be, and thereupon the Registrar shall enter in the Register a memorial of the date of the will and of the probate or of the letters of administration or order of the Court as aforesaid, the date, hour and minute of the production of the same to him, the date of the death of such proprietor, when the same can be ascertained, with such other particulars as he may deem necessary, and upon such entry being made, the executor or administrator, as the case may be, shall be deemed to be the proprietor of such lands, and the Registrar shall note the fact of such registration by memorandum under his hand on the probate of the will, letters of administration, order, or other instrument as aforesaid: Provided always, that the title of the executor or administrator to such land, shall relate back and take effect as from the date of the death of the deceased proprietor; Provided also, that the duplicate grant, or certificate of title granted to the deceased proprietor, shall be delivered up to be cancelled, and the Registrar shall issue to the executor or administrator a fresh

Lands to go to executor or administrator in trust; duty of executor or administrator.

Duty of Registrar.

Executor or administrator deemed owner.

Proviso: as to date.

Proviso: as to cancellation of duplicate, grant,

certificate of title stating therein the fact that the new registered proprietor is the executor or administrator. &c, to deceased owner.

116. The undevised lands of any deceased proprietor shall be held by the executor or administrator for the heirs and creditors, subject to the trust imposed by the provisions of this Act, but any person dealing with the executor or administrator with reference to the said lands, and who is not prevented by any rule or order of Court, or by any caveat, from being entered upon the register as proprietor, or as mortgagee or encumbrancee of such lands, shall when registered become the indefeasible owner of the estate or interest for which he is registered, and shall have no concern in the conduct of such executor or administrator. Lands not devised.

117. Whenever any mortgage, encumbrance or lease affecting land is transmitted in consequence of the will or intestacy of the proprietor thereof, probate, or an office copy of the will of the deceased proprietor, or letters of administration, or the order of the Court authorising a person as aforesaid to administer the estate of the deceased proprietor, accompanied by an application in writing from the executor, or administrator, claiming to be registered as proprietor, in respect of such estate or interest, shall be produced to the Registrar, who shall thereupon enter in the Register and on the instrument evidencing title to the mortgage, encumbrance, or lease transmitted, the date of the will and of the probate, or of the letters of administration, or order of the Court as aforesaid, the date and hour of the production of the same to him, the date of the death of such proprietor when the same can be ascertained, with such other particulars as he may deem necessary, and upon such entry being made, the executor, or administrator, as the case may be, shall be deemed to be the proprietor of such mortgage, encumbrance, or lease, and the Registrar shall note the fact of such registration by memorandum under his hand on the letters of administration, probate, or other instrument as aforesaid. Mortgage, encumbrance or lease transmitted by will or intestacy. Entries in Register and on certain documents. Effect of Registration.

118. Upon the bankruptcy of the proprietor of any land, the assignee or trustee of such bankrupt shall be entitled to be registered as proprietor in respect of the same, and the Registrar, upon receipt of an office copy of the appointment of such assignee or trustee, or such other evidence of the appointment of such assignee or trustee as may be required by the law for the time being, shall enter in the Register a memorandum notifying the appointment of such assignee or trustee, and upon such entry being made, such assignee or trustee shall be deemed and taken to be the proprietor of such land, and a certificate of title shall be issued in his favor. Registration of assignee or trustee upon bankruptcy, of owner.

119. Upon the bankruptcy of any lessee, the Registrar, unless the land be subject to a mortgage or encumbrance under the provisions of this Act, shall, upon the application in writing of the lessor accompanied by a statement in writing signed by the assignee or trustee of such bankrupt Bankruptcy of lessee. Of land not mortgaged or incumbered.

certifying his refusal to accept such lease, or upon the order of the Court on the application of the lessor, enter in the Register a note of such refusal, or order, and such entry shall operate as a surrender of such lease.

Surrender of lease.

If the land leased is mortgaged or encumbered.

120. Upon the bankruptcy of any lessee where the land is subject to mortgage, or encumbrance, the Registrar shall, upon the application in writing of the mortgagee or encumbrancee accompanied by a statement in writing signed by the assignee or trustee of such bankrupt certifying his refusal to accept such lease, enter in the Register a note of such application and refusal, and such entry shall vest the interest of the bankrupt in such lease in such mortgagee or encumbrancee: Provided that no such entry shall be made unless it be proved to the satisfaction of the Registrar that the applicant, mortgagee, or encumbrancee, has given thirty days' notice in writing of his intended application to every subsequent mortgagee or encumbrancee or has obtained their written consent to such entry.

Proviso for notice.

Saving of rights of action commenced or accrued.

121. Under the preceding provisions as to a bankrupt lessee, no entry of the assignee or trustee's refusal to accept shall operate to prejudice any action or cause of action which shall previously have been commenced or have accrued in respect of any breach or non-observance of any covenants in such lease.

If lands of person deceased or bankrupt are subject to trusts.

122. Any person registered in place of a deceased person or bankrupt proprietor, shall hold the land in respect of which he is registered upon the trusts and for the purposes to which the same is applicable by this Act or by law, and subject to any trusts and equities upon which the deceased or bankrupt proprietor held the same, but, for the purpose of any registered dealings with such land, he shall be deemed to be the absolute proprietor thereof; Provided always, that the person or persons beneficially interested in in any such lands or any estate or interest therein, may apply to a Court or Judge having jurisdiction to have the same taken out of the hands of the assignee or trustee having charge by law of such bankrupt property, and transferred to some other person or persons, and the Court or Judge, upon reasonable cause being shown, shall name some suitable person or persons as proprietor of the lands, or the estate or interest in question, as the case may be, and upon the person or persons so named accepting the proprietorship and giving the necessary security for the due fulfilment of the trusts, the Court or Judge shall make an order directing the Registrar to cancel the certificate to the assignee or trustee, and to make a new certificate to the person or persons so named; and the Registrar, upon the production of such order, shall cancel the certificate to the assignee or trustee, and shall enter in the register a memorandum notifying the appointment by order of the Court of such other proprietor or proprietors in trust, and a certificate of title shall be issued to him or them.

Proviso.

Persons beneficially interested may apply for transfer of charge of property.

Transmission by right of

123. When any person is registered as joint proprietor with any other person of an estate in fee simple in any land

where there is right of survivorship upon the death of one, the Registrar may, upon the application of the person entitled, and proof to his satisfaction of any such occurrence as aforesaid, register such surviving person as proprietor of such estate or interest in manner hereinbefore prescribed for the registration of a like estate or interest upon a transfer of the land, and shall issue a certificate of title accordingly.

Survivorship in lands held jointly.

Registration.

124. No execution issued prior to or after the passing of this Act shall bind, charge, or affect any land until the Registrar shall have been served with a copy of a writ of *fieri facias* issued out of a Court of competent jurisdiction, or of a decree or order of such Court in the matter, accompanied by a statement signed by any party interested, or by his solicitor, specifying the land sought to be affected thereby. The Registrar upon such service shall, after marking upon such copy the time of the service, enter a notice thereof in the Register whereupon the same shall operate as a *caveat* against any alienation other than in pursuance of the said writ, decree, or order, while the same remains in force, and after any land so specified shall have been sold under any such writ, decree, or order, the Registrar shall on receiving a transfer thereof in one of the Forms contained in Schedule G to this Act, make an entry thereof in the Register, and on such entry being made the purchaser shall be deemed the transferree and proprietor of such land: Provided that until such service and entry shall have been made as aforesaid, no sale or transfer under any such writ, decree, or order shall be valid as against a purchaser for valuable consideration, notwithstanding such writ was actually lodged for execution at the time of the purchase, and notwithstanding the purchaser had actual or constructive notice of the lodgment of such writ. Upon production to the Registrar of sufficient evidence of the satisfaction of any writ, decree a copy whereof shall have been served as aforesaid, he shall cause an entry to be made in the Register to that effect, and on such entry such writ, decree or order shall be deemed to be satisfied. Every such writ, decree, or order shall cease to bind, charge, or affect any land specified as aforesaid unless a transfer upon a sale under it shall be registered within three months from the day on which the copy thereof was served.

Execution not to bind lands until copy of writ or decree is served on the Registrar.

His duty on such service, which shall operate as a caveat.

And when the land is sold.

Proviso: as to dealings before service of writ or decree.

Duty of Registrar on proof of satisfaction of writ, &c.

Sale must be within three months or effect of writ ceases.

125. Whenever the Court shall have given any judgment, decree, or order, preferring as proprietor of lands any person other than the registered proprietor thereof, the Registrar on being served with an office copy of such judgment, decree, or order, shall enter in the Register, and on the grant or other instrument evidencing title to the said land, the date of the said judgment, decree, or order, the date, hour and minute of its production to him, and the name and description of the person in whom the said judgment, decree or order purports to vest the said land, such person shall thereupon be deemed to be registered proprietor of such land and shall receive a certificate of title accordingly; but unless and

As to judgments, &c., preferring some other to the registered owner.

Duty of Registrar on service of copy of judgment.

until such entry shall be made, the said judgment, decree, or order, shall have no effectual operation.

PART XI.

CAVEATS.

Who may lodge a caveat with Registrar: and for what purpose.

126. Any person claiming to be interested under any will, settlement, or trust deed, or any instrument of transfer or transmission, or under any unregistered instrument, or otherwise howsoever, in any land, may lodge a caveat with the Registrar to the effect that no disposition of such land be made either absolutely, or in such manner and to such extent only as in such caveat may be expressed, or until notice shall have been served on the caveator, or unless the instrument of disposition be expressed to be subject to the claim of the caveator, as may be required in such caveat, or to any lawful conditions expressed therein.

Form.

(1.) A caveat may be in the form contained in Schedule R to this Act, and shall be verified by the oath of the caveator or his agent, and shall contain an address within the Territory at which notices may be served.

Registrar's duty on receipt of caveat.

(2.) Upon the receipt of a caveat, the Registrar shall make a memorandum thereon of the date, hour, and minute of the receipt thereof, and shall enter a memorandum thereof in the Register, and shall forthwith send a notice of such caveat through the post office or otherwise to the person against whose title such caveat has been lodged.

Its effect while in force.

(3.) So long as any caveat remains in force prohibiting the transfer or other dealing with any land, the Registrar shall not enter in the Register any memorandum of transfer or other instrument purporting to transfer or otherwise deal with or affect the land in respect to which such caveat is lodged.

Proceedings for setting it aside.

(4.) The proprietor or other person claiming land may, by summons, call upon the caveator to attend before a Court of competent jurisdiction or a Judge thereof, to show cause why the said caveat should not be withdrawn, and the said Court may, upon proof that such last-mentioned person has been summoned, and upon such evidence as the Court or Judge may require, make such order in the premises either *ex-parte* or otherwise as to the said Court or Judge may seem fit. And where a question of right or title requires to be determined, the proceedings followed shall be as nearly as may be in conformity with the rules of Court in relation to civil causes.

Procedure.

Application by caveatee to Registrar to remove it.

(5.) Except in the case of a caveat lodged by the Registrar, the caveatee may make application in writing to the Registrar to remove such caveat, and thereupon the Registrar shall give twenty-one days notice in writing to the caveator that the caveat may, except as hereinafter provided, be withdrawn, and after the lapse of twenty-one days from

Notice.

the date of the service of such notice at the address mentioned in the caveat, the Registrar shall remove such caveat from the Register by entering a memorandum that the same is discharged, unless he shall have been previously served with an order from the Court or a Judge thereof extending the time as hereinafter provided.

Address of caveatee.

(6.) Such caveatee shall in such application give an address in the Territory at which notices and proceedings may be served.

Right of caveator to apply for extension of caveat.

(7.) The caveator may, either before or after receiving such notice from the Registrar, apply by summons to the Court or a Judge thereof for an order to extend the time beyond the twenty-one days mentioned in such notice, and such summons may be served at the address given in the application of the caveatee, and it shall be lawful for the Court or Judge upon proof that the caveatee has been summoned, and upon such evidence as the Court or Judge may require, to make such order in the premises either *ex-parte* or otherwise as the Court or Judge may think fit.

Power of Court or Judge.

Caveator may withdraw caveat.

(8.) The caveator may, by notice in writing to the Registrar, withdraw his caveat at any time, but such withdrawal shall not prejudice the power of the Court or Judge to make an order as to payment by the caveator of the costs of the caveatee incurred prior to the receipt by the caveatee of notice in writing of the withdrawal of such caveat.

Costs.

Entry of withdrawal, &c.

(9.) An entry shall be made by the Registrar in the Register of the withdrawal, lapse, or removal, of any caveat or of any order made by the Court.

No further caveat except by Registrar.

(10.) It shall not be lawful for the same person or for any one on his behalf to lodge a further caveat in relation to the same matter, but nothing herein contained shall prejudice the right of the Registrar to enter or continue any caveat under the powers vested in him by this Act.

Liability of person entering caveat wrongfully.

(11.) Any person other than the Registrar lodging or continuing any caveat wrongfully and without reasonable cause, shall be liable to make compensation to any person who may have sustained damage thereby, and such compensation may be recovered by proceedings at law if the caveator has withdrawn such caveat, and no proceedings shall have been taken by the caveatee as herein provided, but if proceedings have been taken by the caveatee then such compensation shall be decided by the Court or Judge acting in the same proceedings.

PART XII.

ATTESTATION OF INSTRUMENTS.

How instruments, &c., are to be witnessed.

127. Powers of attorney in the form of Schedule N to this Act, and instruments requiring to be registered under the provisions of this Act, other than grants from the Crown, orders in council, instruments under the seal of any corpo-

ration, or certificates of any judicial proceedings, attested as such, shall be witnessed by one person who shall attest the instrument in the form contained in Schedule Q to this Act;

Oath of witness.

and the witness so attesting the instrument shall appear before the Registrar, Deputy Registrar, or a Commissioner for the taking of affidavits, and take oath in the form contained in Schedule T to this Act.

Instruments executed without the Territories.

128. Instruments requiring to be registered under the provisions of this Act executed without the limits of the Territories shall be witnessed by one person who shall make an affidavit in the form given in Schedule T to this Act, before one of the following persons:—

In Canada.

(1) If made in any Province of Canada, before a Judge of any Court of Record, any Commissioner authorized by a Superior Court to take affidavits, or before any Notary Public under his official seal; or

In United Kingdom.

(2) If made in the United Kingdom, before a Judge of any Court of Record, before the Mayor of any city or incorporated town under the common seal of such city or town, or before any Notary Public certified under his official seal; or

In British colony, &c.

(3) If made in any British Colony or Possession, before a Judge of any Court of Record, the Mayor of any city or incorporated town under the common seal of such city or town, or any Notary Public under his official seal; or

In a foreign country.

(4) If made in a foreign country, before the Mayor of any city or town certified under the common seal of such city or town, or before the British Consul, Vice-Consul, or Consular Agent residing therein, or before any Judge of any Court of Record certified under his official seal:

If under seal of a corporation.

Instruments executed under the seal of a corporation shall not require any attestation under this section.

PART

JURISDICTION OF THE COURT.

Appeal by person dissatisfied with acts or omissions, &c., of Registrar.

If any person is dissatisfied with any act, omission, refusal, decision, direction, or order of the Registrar, such person may require the Registrar to set forth in writing under his hand the grounds of such act, omission, refusal, decision, direction, or order, and such person may then apply to any Court of competent jurisdiction by petition, setting forth the particulars and the grounds of his dissatisfaction, and thereupon the Registrar shall be served with such petition and the Court shall have jurisdiction to hear the said petition, and shall make such order in the premises as the circumstances of the case may require, and as the Court may direct, to the costs of the parties appearing upon such petition.

Registrar may refer doubtful points to the Court.

130. Whenever any question arises with regard to the performance of any duties, or the exercise of any of the functions by this Act conferred or imposed upon the Registrar, or whenever in the exercise of any of the duties of the Registrar any question arises as to the true construction or legal validity or effect of any instrument, or as to the persons entitled, or to the extent or nature of the estate, right or interest, power or authority, of any person or class of persons, or the mode in which any entry ought to be made on the Register or certificate of title, or as to any doubtful or uncertain right or interest stated, or dealt with by the Registrar, it shall be competent for him to refer the same in the form contained in Schedule S to this Act, to the Court, which may if it sees fit allow any of the parties interested to appear before it and summon any others of such parties to appear and show cause either personally or by counsel or attorney in relation thereto: And if upon such reference the said Court, having regard to the parties appearing before it, thinks proper to decide the question, it shall have power so to do, or to direct any proceedings to be instituted for that purpose, or, at the discretion of the said Court and without deciding such question, to direct such particular form of entry to be made on the Register or certificate of title as under the circumstances appears to be just.

Court may decide question, or order particular form of entry to be made.

Power of Registrar in cases of fraud or error.

131. If it appears to the satisfaction of the Registrar that any grant, certificate of title, or other instrument has been issued in error, or contains any misdescription of land, or of boundaries, or that any entry or endorsement has been made in error on any grant, certificate of title or other instrument, or that any such grant, certificate, instrument, entry, or endorsement has been fraudulently or wrongfully obtained, or that any such grant, certificate, or instrument is fraudulently or wrongfully retained, he may summon the person to whom such grant, certificate, or instrument has been so issued, or by whom it has been so obtained or is retained, to deliver up the same for the purpose of being cancelled or corrected as the case may require, and in case such person refuses or neglects to comply with such summons, or cannot be found, the Registrar may apply to the Court to issue a summons for such person to appear before the Court or a Judge thereof, and show cause why such grant, certificate, or other instrument should not be delivered up to be cancelled or corrected as aforesaid, and if such person, when served with such summons, neglects or refuses to attend before such Court or Judge at the time therein appointed, it shall be lawful for the Court or Judge to issue a warrant authorising and directing the person so summoned to be apprehended and brought before the said Court or a Judge thereof for examination.

Summoning persons interested.

May apply to Court if persons do not attend.

Power of Court in case of disobedience to summons.

Examination of persons so summoned.

132. Upon the appearance before the Court or Judge, of any person summoned or brought up by virtue of a warrant as aforesaid, it shall be lawful for the said Court or Judge to examine such person upon oath, and, in case it appears right so to do, to order such person to deliver up such grant, certificate of title, or other instrument as aforesaid;

And powers of Court or Judge to commit to gaol.

and upon refusal or neglect by such person to deliver up the same pursuant to such order, to commit such person to the common gaol of the Territory for any period not exceeding six months, unless such grant, certificate of title, or instrument be sooner delivered up, and in such case or in case such person has absconded so that summons cannot be served upon him as hereinbefore directed, the said Court or Judge may direct the Registrar to cancel or correct any certificate of title or other instrument, or any entry or memorial, in the Register relating to such land, and to substitute and issue such certificate of title or other instrument, or make such entry as the circumstances of the case may require, and the Registrar shall obey such order.

And to direct the Registrar to correct entries, &c.

Further powers of Court or Judge.

133. In any proceeding respecting land or in respect of any transaction or contract relating thereto, or in respect of any instrument, caveat, memorial, or other entry affecting land, it shall be lawful for the Court or Judge by decree or order to direct the Registrar to cancel, correct, substitute, or issue any certificate of title, or make any memorial or entry in the Register, or otherwise to do every such act or make every such entry as may be necessary to give effect to the judgment, or decree, or order of the Court.

Procedure, practice and appeal in cases under this Act.

134. In the conduct of actions and other proceedings provided for under this Act, there shall be the same rights of appeal, and the same rules of procedure and practice shall apply as are in force or exist for the time being in respect of actions and other proceedings of a similar nature in any Court of competent jurisdiction in which such action or proceeding may be tried or taken, and such Court shall have power to make additional or altered rules and regulations and new or altered forms of proceedings, and from time to time to repeal, alter, or vary the then existing rules and regulations, and to make new rules and regulations and forms of proceedings for the practice and procedure of the Court in regard to matters which may arise under the provisions of this Act.

Power of Courts to make or alter rules, &c., as to such cases.

And to regulate fees in cases under this Act.

135. Any Court of competent jurisdiction shall have the power to fix and regulate from time to time the fees payable upon all proceedings before the Court, and until the said Court shall otherwise order, the fees payable shall be according to the fees payable in respect to proceedings of a similar nature in the Court.

PART XIV.

EJECTMENT.

Who may commence proceedings for possession.

136. The following persons may summon any person in possession of any land to appear before a Judge of any Court of competent jurisdiction, to show cause why the person summoned should not give up possession to the applicant:

Owner last registered.

(1.) The last registered proprietor of the land.

(2.) A proprietor of land whereon a mortgage or mortgages appear on the Register, provided he has obtained the consent of the first mortgagee. Owner with consent of of first mortgagee.

(3) A mortgagee or his transferree where default has been made in making payment in accordance with the terms of the mortgage, and a right to enter into possession has accrued. Mortgagee after default.

(4.) A lessor with power to re-enter where the lessee or tenant is in arrear for three months, whether there be or be not sufficient distress found on the premises to satisfy such rent, and whether or not any previous demand has been made for the rent. Lessor with power to re-enter.

(5.) A lessor against a lessee or tenant where a legal notice to quit has been given or the term of the lease has expired. Lessor after notice to quit.

137. The summons shall contain a description of the land, and shall require the person summoned to appear before the Court on a day not earlier than sixteen days after the service of the summons, and thereupon or so soon after as a Judge shall be in attendance the summons shall come on to be heard. The summons shall be served in the same manner as a writ of ejectment is required to be served. What the summons must show. Service.

138. On the day appointed for the hearing of the summons, if the person do not appear, then upon proof to the satisfaction of a Judge of the due service of such summons and upon proof of title by the proprietor, mortgagee, or lessor, and if any consent is necessary, upon the production and proof of such consent, the Judge may order immediate possession to be given to the plaintiff, and such order shall have the effect of, and may be enforced as a judgment in ejectment. Hearing and Judge's order thereon in default of appearance.

139. If the person summoned appears, he may show cause why he refuses to give up possession of such land, and if he proves, to the satisfaction of the Judge, a right to the possession of the land, the Judge shall dismiss the summons with costs against the proprietor, mortgagee, or lessor, or he may make an order and impose any terms he may think fit: Provided that the dismissal of the summons shall not prejudice the right of the plaintiff to take any other proceedings against the person summoned to which he may be otherwise entitled: Provided also that in the case of a lessor against a lessee, founded on the non-payment of rent, if the lessee, before the hearing, pay or tender all rent due, and all costs incurred by the lessor, the Judge shall dismiss the summons. Dismissal of summons if the person summoned shews causes for retaining possession. Proviso. Proviso.

140. When an order for possession shall have been obtained under the provisions herein contained, the plaintiff or his bailiff shall be entitled to enter and take possession of the land named in such summons without the issuing of any writ of *habere facias possessionem*, if such plaintiff or his bailiff finds no person in possession of the land, or the Effect of Judge's order for possession.

person or persons in possession voluntarily give up and surrender possession to such plaintiff or his bailiff.

PART XV.

PARTITION OF LANDS OR ESTATES OR INTEREST THEREIN.

Any co-tenant may demand partition or sale.

141. In all cases where there are several persons proprietors of the same lands, or having any estate or interest therein, whether as tenants in common, co-partners, joint tenants, or tenants in *entirety*, such persons, including mortgagees, encumbrancees and other creditors having liens upon lands, and other parties whomsoever, may be compelled to make or suffer partition or sale of the said lands or any part or parts thereof.

Petition for partition or sale.

142. Any person interested in any lands in the Territories, or the duly authorized agent of any such person, or the guardian of any infant entitled to immediate possession of any estate therein, or the administrator of the estate of the intestate, may fyle a petition in the Court praying that partition of such lands may be made, or that the same may be sold under the direction of the Court or of any Judge thereof, should the Court or Judge consider a sale more advantageous for the persons interested.

Form of petition: what it must shew.

143. The person petitioning shall entitle his proceedings in the Court in which they are instituted, in the form contained in Schedule C to this Act, and shall set forth his interest therein, and his place of residence, and the estates, encumbrances, and interests of all persons therein so far as the same are known to the person or persons petitioning; he shall describe the lands sought to be partitioned or sold, and if there be any person or persons who have any estate, share or interest in the said lands, unknown to the petitioner or petitioners, he shall set forth the fact thereof in such petition, and shall annex to such petition copies of the grants or certificates of title to the lands to be partitioned or sold, with the liens and encumbrances entered thereon, certified by the Registrar of the District in which such lands are situate.

If any co-tenants be unknown.

Documents in support to be fyled.

Attestation of allegations in petition.

144. The truth of the petition and the matters contained therein shall be verified by the oath or affirmation of at least one petitioner or his or their agent or guardian, as the case may be. Such oath or affirmation may be taken before a Judge of the Court or a Commissioner for taking affidavits therein.

Limitation of time in case of will or intestacy.

145. No proceedings for partitioning lands so held under any will or any transfer from the administrator of an intestate, shall be taken until six months after the death of the testator or intestate in whom the lands, or the estate or interest therein to be partitioned or sold, was vested.

When any party interested is an infant.

146. Whenever any of the parties interested, other than the petitioner or guardian, is an infant, and it is proved to the satisfaction of the Court or any Judge thereof, that at least days' notice has been served on such infant, if a resident in the Territories, that proceedings will be taken under this Act for the partition or sale of the lands, and that the Court or Judge will be asked at the time and place specified in such notice to appoint a guardian to represent the said infant in such proceedings, the Court or Judge may thereupon appoint a suitable and disinterested person to be a guardian for such infant for the special purpose of taking charge of his or her interests in the proceedings on such petition.

Notice in case of parties unknown or not in the Territories.

147. If any of the parties having such interest are unknown, or if known reside out of the Territories, or Registration District, as the case may be, or cannot be found therein, or have no known attorney or agent residing therein, the petition and notice may be served upon them or any of them by publication of notice, which shall set forth the names of the plaintiffs and defendants, and shall be directed to the defendants and to all unknown persons having or claiming any estate or interest in the land, and the notice shall describe the land as it is described in the petition, stating the time and place when and where the petition will be presented to the Court, and calling upon all persons to appear at the time and place named, and to state what claims, if any, they have to the said lands, and stating also, that in default of their appearing the said matter will be proceeded with in their absence.

Form.

148. The form of every such notice shall be settled by the Judge before the publication thereof.

Guardian appointed under this Act to give security if not a Solicitor or Attorney.

149. Every guardian appointed under the authority of this Act, except a Solicitor or Attorney, as hereinafter provided, shall before entering upon his duties, execute to the Judge, a bond in such penalty and with such sureties as the Court or any Judge thereof directs, conditioned for the faithful discharge of the trust committed to the said guardian, and to render a just and true account of his trust when required by the Court or any Judge thereof, and upon such further conditions as the Court or Judge may direct, and no proceedings shall be taken until such bond has been fyled in the office of the Clerk of the Court, or registered as an incumbrance upon the lands of the guardian and the sureties named in the bond.

Power of guardian.

150. The acts of the guardian in relation to the proceedings upon the petition shall be as valid as if done by such infant after having arrived at his majority.

If guardian be an Attorney or Solicitor.

151. Any one entitled to practice in the Court as solicitor or attorney may be appointed guardian without entering into bonds, but the person so acting shall not give any consent on behalf of the said infant, but the Court or Judge

may do so where it is deemed advisable in the interest of such infant.

Guardian for party who has not been heard of for three years or more.

152. If any one interested in the estate respecting which proceedings are taken or are proposed to be taken under this Act has not been heard of for at least three years, and it is uncertain whether such person be living or dead, the Judge before whom the proceedings are being taken may appoint a suitable and disinterested person to be a guardian for the special purpose of taking charge of the interest of such person, or in the event of his being dead of those who through him are entitled to a share of his estate, or interest in the said lands; and the person so named guardian shall give a bond with sureties in the manner provided in the case of a guardian for an infant by this Act; and the acts of the guardian so appointed shall be as valid as if done by the person or persons whose interests he represents.

Bond.

Power.

If any party is reasonably believed to be dead.

153. The Court in which the proceedings are taken may, upon proof which affords reasonable ground for believing such absent person dead, and upon the application of the guardian so appointed, or upon the application of any one interested in the lands represented by such guardian, deal with the share, estate, or interest of such person, or, with the proceeds thereof, and order the transfer of such share of the payment of such proceeds, or the income or produce thereof, as the case may require, to the person or persons who, assuming the absent person to be dead, appear entitled to the same.

Guardians may apply to Court for direction.

154. Any guardian appointed under this Act may apply to the Court from time to time for direction and guidance in the management of the share, estate, or interest of which he has charge, and for compensation for his services in connection therewith; and the Court or Judge may make all such orders and give such directions in reference thereto as to the said Court or Judge appear just

Case of mortgagee or encumbrancee of an undivided share.

155. Wherever a mortgage, encumbrance, or lien is on the undivided estate or interest of any one or more of the parties, it shall be a lien only on the share, estate, or interest of such person or persons after partition has been made; and the just proportion of the costs of the proceedings in partition shall be first charged in preference to such mortgage, encumbrance or lien, and shall, when partition is made, be reported to the Registrar by the Court or Judge; and no mortgagee, encumbrancee, or holder of any lien upon lands, shall have his estate or interest impaired or affected by not having been made a party to the partition.

Rights not affected by not being made a party.

Court to settle time for notice.

156. The Court or Judge shall determine what notice shall be necessary in each case before proceeding to make partition or sale, and shall inform the petitioners accordingly.

Hearing after allowance of petition.

157. Upon the allowance of the petition, the persons interested in the lands may appear in person or by Attorney or Solicitor, and by a concise statement of facts under oath by

way of plea or answer, show title as to their estate or interest in the whole or in any part of the lands mentioned in the petition within days after they have received notice to plead or answer.

Signing judgment if no contest. Effect.

158. If none of the persons plead or answer within days of the service as aforesaid of the rule or order of allowance of the said petition, the petitioners shall be at liberty to sign judgment of partition; and thereupon, and upon giving and serving days notice thereof in manner herein provided, and upon exhibiting the evidence and proof required in this Act may apply to the Court or Judge for the rule or order mentioned in the next and following sections.

Primâ facie evidence of title in petitioner.

159. The petitioners shall exhibit *primâ facie* evidence of their title at the time of making the order of partition; or if an issue in fact has been ordered, or a special case stated as aforesaid, then upon the final determination of the questions of law or fact so ordered to be tried, or in any or either of the cases aforesaid, the Court or Judge shall by rule or order, determine and declare the shares, estates, or interest of all the persons concerned; and if the persons agree among themselves as to the partition to be made, they may so certify to the Court or Judge, describing the property which each is to receive, and the Court or Judge may make an order in favour of each of the parties interested in accordance with such agreement; but should there be any persons having any share, estate, or interest whose rights were unascertained or undetermined, no partition shall be made, and the Court or Judge shall make an order for sale, and shall in such order state the time, place, and conditions upon which sale shall be made.

Order of Court or Judge.

Parties may agree on partition, &c.

In default of agreement order for sale.

Division of proceeds among claimants.

160. The proceeds of such sale shall, after deducting all costs, be divided among the persons whose shares, estates and interests have been sold in proportion to their respective rights in the lands; and the shares of such as are of full age shall be paid to them by , and in the case of infants and unknown or absent persons, shall be invested for them in the name of representative and his successors in office, until by law fully claimed by them or their legal representatives.

If it be doubtful whether all parties interested have been ascertained.

Security in such case.

161. Should there be any doubt as to whether all the parties interested were ascertained, the Court or Judge may, in its or his discretion, require any person receiving money from such sale to give security that he will refund the whole or any portion of the money so received should it thereafter appear that some other party was entitled thereto. Such security shall be taken in the name of and his successors in office.

Investment of shares of minors or absentees.

162. All moneys arising from such partition and sale to which any minor, unknown or absent party is entitled, shall be invested in Dominion stock or other public security of the Dominion of Canada, but the Court or Judge may, if it or he thinks fit, direct the interest, or an adequate portion

thereof, accruing from time to time on the share of any minor, to be applied towards his maintenance.

Court or Judge to give certificates of sale to purchasers.

163. The Court or Judge ordering the sale of property of tenants in common, co-partners, joint tenants, and tenants in entirety, shall give certificates of sale to the purchasers of each separate parcel, describing the lands sold in accordance with the provisions of this Act, and the price paid, and the Registrar shall cancel the previous certificates of title, and the encumbrances thereon, so far as they have been paid, and shall issue a new certificate of title to the person or persons named in the certificate of sale from the Judge for the lands therein described.

PART XVI.

MISCELLANEOUS PROVISIONS.

No title by prescription or adverse possession.

Proviso.

164. No right of proprietorship shall be acquired in land by adverse possession or prescription, but when any person has gone innocently into possession from confusion of boundaries or other cause, he shall be entitled to reasonable compensation from the proprietor for any improvements he may have made thereon, *and shall have a first lien upon the land for such compensation.*

Equitable mortgage or lien by deposit of title.

Right of holder.

165. An equitable mortgage or lien may be created by deposit of the grant, or certificate of title. The holder shall have the power at any time during the existence of his equitable mortgage or lien to enter a caveat in manner set forth in Part XI. hereof, to prevent the transfer of, and all dealing with the land, and when he has obtained a judgment of any Court of competent jurisdiction for the actual sum due, he shall be entitled to apply for and obtain an immediate order for the sale of the lands and payment out of the proceeds, as in the case of an express mortgage by deed.

Guardian or committee may act for person he represents.

Where there is no guardian or committee.

Court or Judge may appoint one *ad hoc* or as next friend of married woman.

166. Where any person, who, if not under disability, might have made any application, given any consent, done any Act, or been party to any proceeding under this Act, is a minor, idiot, or lunatic, the guardian or committee of the estate, respectively, of such person may make such application, give such consent, do such act, and be party to such proceeding as such person if free from disability might have made, given, done, and been party to, and shall otherwise represent such person for the purposes of this Act: And where there is no guardian or committee of the estate of any such person aforesaid being infant, idiot, or lunatic, or where any person, the committee of whose estates if he were idiot, or lunatic, would be authorized to act for and represent such person under this Act, is of unsound mind and incapable of managing his affairs, but has not been found an idiot or lunatic under inquisition, it shall be lawful for any Court of competent jurisdiction or a Judge thereof to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time change such guardian. And where such Court or a Judge thereof sees fit, it or he may appoint a person to act as the next friend of a married woman

for the purpose of any proceeding under this Act, and from time to time remove or change such next friend.

Registrar may cancel separate grants, &c., to same person and issue one certificate for the whole land included in them

167. Upon the application of any proprietor of lands held under separate grants or certificates of title, or under one grant or certificate of title, and the delivering up of such grant, or grants, certificate, or certificates of title, it shall be lawful for the Registrar to issue to such proprietor a single certificate of title for the whole of such land or several certificates each containing a portion of such lands, in accordance with such application and as far as the same may be done consistently with any regulation for the time being in force respecting the parcels of land that may be included in one certificate of title; and upon issuing any such certificate of title the Registrar shall enter on the new certificate of title all the memorials to which the piece of land is at the time subject, and shall cancel the grant or previous certificate of title of such land so delivered up, and shall endorse thereupon a memorandum setting forth the occasion of such cancellation and referring to the certificate of title so issued.

Provision in case of loss or destruction of grant or certificate, &c.

168 In the event of a grant or certificate of title of land being lost or destroyed, the proprietor of such land, together with other persons, if any, having knowledge of the circumstances, may make a *statutory* declaration stating the facts of the case, the names and descriptions of the registered owners, and the particulars of all mortgages, encumbrances, and other matters, affecting such land and the title thereto, to the best of declarant's knowledge and belief, and the Registrar, if satisfied of the truth of such declaration and the *bona fides* of the transaction, may issue to the proprietor of such land a provisional certificate of title of such land, which provisional certificate shall contain an exact copy of the original grant or certificate of title bound up in the Register, and of every memorandum and endorsement thereon, and shall also contain a statement why such provisional certificate is issued; and the Registrar shall at the same time enter in the Register notice of the issuing of such provisional certificate and the date thereof and why it was issued, and such provisional certificate shall be available for all purposes and uses for which the grant or certificate of title so lost or destroyed would have been available and as valid to all intents as such lost grant or certificate: Provided always, that the Registrar before issuing such provisional certificate shall give at least thirty day's notice, of his intention so to do, in some newspaper published in the Registration District, or if there be no such newspaper then in

Provisional certificate by Registrar.

Entry in Register.

Proviso: Notice of issuance of provisional certificate by Registrar.

Owner subdividing land to fyle a map.

169. Any proprietor subdividing land for the purpose of selling the same in allotments, as a town plot, shall deposit with the Registrar a map in duplicate of such town plot, provided that such map shall exhibit distinctly all roads, streets, passages, thoroughfares, squares, or reserves, appropriated or set apart for public use, and also all allotments into which the said land is divided, marked with distinct numbers and symbols; and every such map shall be signed

How certified.

by the proprietor or his agent and certified as accurate by declaration of a Dominion Lands Surveyor before the Registrar, or a Justice of the Peace.

Implied covenants, &c., in any instrument may be negatived.

170. Every covenant and power declared to be implied in any instrument by virtue of this Act, may be negatived or modified by express declaration in the instrument or endorsed thereon; and in any declaration in an action for a supposed breach of any such covenant, the covenant alleged to be broken may be set forth, and it shall be lawful to allege that the party against whom such action is brought did so covenant, precisely in the same manner as if such covenant had been expressed in words in such memorandum of transfer or other instrument, any law or practice to the contrary notwithstanding; and every such implied covenant shall have the same force and effect and be enforced in the same manner as if it had been set out at length in such instrument, and where any memorandum of transfer or other instrument in accordance with the provisions of this Act is executed by more parties than one, such covenants as are by this Act to be implied in instruments of a like nature, shall be construed to be several and not to bind the parties jointly.

Effect of implied covenant.

Owner of land, &c., must allow his name to be used in certain cases.

171. The proprietor of any land or of any lease, mortgage, or charge, shall, on the application of any beneficiary or person interested therein, be bound to allow his name to be used by such beneficiary or person in any action, suit or proceeding, which it may be necessary or proper to bring or institute in the name of such proprietor concerning such land, lease mortgage or charge, or for the protection or benefit of the title vested in such proprietor, or of the interest of any such beneficiary person, but nevertheless such proprietor shall in any case be entitled to be indemnified in like manner as, if being a trustee, he would, before the passing of this Act, have been entitled to be indemnified in a similar case of his name being used in any such action, suit, or proceeding by his *cestui que trust*.

Proviso.

Act not to affect jurisdiction of Court in cases of fraud, &c.

172. Nothing contained in this Act shall take away or affect the jurisdiction of any competent Court on the ground of actual fraud, or over contracts for the sale or other disposition of land, or over equitable interests therein.

As to exception of mines and minerals in grant, &c.

173. Whenever in any grant or instrument under this Act any mines or minerals are excepted from the grant or transfer, the Registrar on issuing a certificate of title shall therein insert the words so used in the grant or instrument.

Registrar and persons under him not liable personally for things done *bonâ fide* by virtue of this Act: but damages to be paid out of the lands assurance

174. Neither the Registrar nor any person acting under his authority shall be individually liable to any action, suit, or proceeding for or in respect of any act or matter *bonâ fide* done or omitted to be done in the exercise or supposed exercise of the powers of this Act, but where any sum by way of compensation or damage has been judicially decreed to be paid by the Crown in respect of any act or matter *bonâ fide* done or omitted to be done by the Registrar or any person acting under his authority, the same shall be paid

from a fund called the Lands Assurance Fund to be created in manner hereinafter provided and of which the Finance Minister of the Dominion shall be the Treasurer; And where any sum has been judicially decreed to be paid to any person for any act or omission by the Registrar or any person acting under his authority not done *bonâ fide*, and where the plaintiff after due execution has not been able to obtain the same from the estate of the defendant, the amount adjudged and the costs shall be paid from the Lands Assurance Fund.

Fund hereby created.

How paid in cases not done *bonâ fide*.

175. The Lands Assurance Fund shall be formed by deducting from the amount of fees received by the Registrar for the purposes of this Act, and by the Minister of the Interior upon the issue of Grants, the amount of ten per cent. per annum, and accumulating the same with the interest thereon until the Fund shall reach the sum of , after which the ten per cent shall not be deducted unless at any time the fund shall be diminished by payments, when the addition to it of a like sum of ten per cent shall be resumed until the Fund shall again reach the amount of and so on in perpetuity.

How such fund shall be formed.

176. Whenever in any action, suit, or other proceeding affecting the title to land, or any estate or interest therein, subject to the provisions of this Act, it becomes necessary to determine the fact whether the transferree, mortgagee, encumbrancee, or lessee is a purchaser or transferree for valuable consideration or not, any person who is a party to such action, suit, or other proceeding, may give in evidence any transfer, mortgage, encumbrance, lease, or other instrument affecting the title to such land, estate, or interest in dispute, although the same may not be referred to in the certificate of title, or may have been cancelled by the Registrar.

How purchaser for valuable consideration shall be ascertained.

177. The Governor in Council shall have power from time to time to alter any of the forms in the schedules to this Act, to provide any additional forms he may deem necessary, and to make such rules and regulations as may be necessary to carry into effect the provisions of this Act; and to make such rules and regulations as may to him appear necessary for giving effect to this Act in cases unprovided for, according to its true intent and purpose.

Governor in Council may alter forms, and make rules for carrying out this Act.

PART XVII.

PENALTIES.

178. If any person wilfully makes any false statement or declaration in any dealing in land under this Act, or suppresses or conceals, or assists, or joins in, or is privy to the suppressing, withholding or concealing from the Registrar any material document, fact, or matter of information, or wilfully makes any false declaration required under the authority or made in pursuance of this Act, or if any person in the course of his examination before any Judge or the Registrar wilfully or corruptly gives false

Punishment for making false statement, concealing facts, giving false evidence, &c. or other fraud in matters under this Act.

evidence, or if any person fraudulently procures or is privy to the fraudulent procurement of any certificate of title or instrument or of any entry in the Register or of any erasure or alteration in any entry in the Register, or knowingly misleads or deceives any person hereinbefore authorized to require explanation or information in respect to any land or the title to any land under the operation of this Act, or in respect to which any dealing or transmission is proposed to be registered, such person shall be guilty of a misdemeanor, and shall incur a penalty, not exceeding or may, at the discretion of any Court of competent jurisdiction by which he is convicted, be imprisoned for any period not exceeding three years.

Misdemeanor and fine or imprisonment.

Further offences as—

179. If any person is guilty of the following offences or any of them, that is to say :—

Forging signature, &c. of Registrar.

(1.) Forges, or procures to be forged or assists in forging the signature or seal of the Registrar, or the name, signature, or handwriting of any officer of the Registry office in cases where such officer is by this Act expressly or impliedly authorized to affix his signature ; or

Stamping with forged seal.

(2.) Stamps or procures to be stamped, or assists in stamping any instrument or document with any such forged seal ; or

Forging any name, &c., to any instrument.

(3.) Forges or procures to be forged, or assists in forging the name, signature or handwriting of any person whomsoever, to any instrument or document which is by this Act, or in pursuance of any power contained in this Act, expressly or impliedly authorized to be signed by such person ; or

Knowingly using any false documents.

(4.) Uses with an intention to defraud any person whomsoever, any instrument or document upon which any impression or part of the impression of any seal of the Registrar has been forged, knowing the same to have been forged, or any instrument or document the signature to which has been forged, knowing the same to have been forged ; or

Fraudulently using true seal of Registrar.

(5.) Fraudulently uses or procures to be used for any purpose the actual seal of the Registrar, in which case such fraudulent use shall be a like offence in all respects as a forgery thereof,—

Felony.
Punishment.

Such offender shall be deemed to be guilty of felony, and shall be punished at the discretion of the Court by imprisonment in any gaol for any term less than two years, or in the Penitentiary for any term not less than two years nor exceeding ten years.

Conviction not to affect civil remedy.

180. No proceeding or conviction for any act hereby declared to be a misdemeanor or felony shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has committed such act, or against his estate.

181. Except in any case as to which it is otherwise herein provided, all offences against the provisions of this Act may be prosecuted, and all pecuniary penalties or sums of money imposed by or under the provisions of the same, may be sued for and recovered in the name of the Attorney-General of Canada before any Court of competent jurisdiction, and shall belong to the Crown for the public uses of the Dominion. Recovery and application of penalties not otherwise provided for.

182. The Governor in Council may from time to time make such alterations in or additions to the Schedules of this Act as he may deem necessary, but any alterations or additions so made shall be published in the *Canada Gazette.* Governor may make alterations, &c., in schedules.

PART XVIII.

REPEAL OF EXISTING LAWS, COMMENCEMENT.

183. So much of any Act or Ordinance now in force in the Territories as is inconsistent with the Provisions of this Act is hereby repealed. Repealing clause.

184. This Act shall come into force upon, from and after the first of July, one thousand eight hundred and seventy-nine. Commencement of Act.

SCHEDULE A.

(*Sections* 6 *and* 7.)

FORM OF BOND OF REGISTRAR.

TERRITORIES OF CANADA.

Know all men by these presents that we, of the of in the in the Territories of the Dominion of Canada (hereinafter called "The Principal"); and (*insert names and additions of Principal and Sureties*) of the of in the of in the aforesaid and of the of (hereinafter called "The Sureties"), are respectively held and firmly bound unto our Sovereign Lady the Queen, her heirs and successors, in the respective penal sums following, that is to say:—"The Principal" in the sum of dollars of lawful money of Canada, and each of "The Sureties" in a sum of dollars of like lawful money, to be paid to our said Sovereign Lady the Queen, her heirs and successors; for which said respective payments, well and faithfully to be made, we severally,—and not jointly, or each for the other,—bind ourselves, and our respective heirs, executors, and administrators, firmly by these presents, sealed with our respective seals.

Dated this day of in the year of our Lord One Thousand Eight Hundred and and in the year of Her Majesty's reign.

Whereas "The Principal," having been appointed to the office or employment of the Registrar of
is required by law to give security to the Crown for the due performance of the duties appertaining thereto; and "The Sureties"
have consented to become his sureties for such his performance of the said duties; and this bond is given in pursuance of (*insert the title of this Act.*)

Now the condition of this obligation is, that if "The Principal" faithfully discharges the duties of the said office and duly accounts for all moneys and property which may come into his custody by virtue of the said office, his obligation shall be void.

Signed sealed and delivered in }
in the presence of }

Signatures and Seals.

AFFIDAVITS TO BE ANNEXED TO THE BOND.

Affidavit of Attestation.

TERRITORIES OF CANADA, } I
of } of the of in the
TO WIT: } of
on the of make oath and say that I was personally present, and did see (*as the case may be*) of the obligors in the above bond or writing obligatory, named, duly execute the said Instrument by signing, sealing, and, as (his *or* their respective acts and deeds, *as the case may be*) delivering the same; and that I am subscribing witness to such execution.

Sworn before me, at the of
in the said of
this day of A.D.
One thousand eight hundred and *seventy*
, a J. P. for the said

A separate affidavit in this form will be made by a witness to the execution by each obligor, if the same person does not witness the execution by all of them.

Affidavit of a Surety.

TERRITORIES of
of
TO WIT:
I, one of the sureties in the foregoing Bond named, make oath and say as follows:

1. I am seized and possessed to my own use of real, (*or* real and personal) estate, in the of in Canada, of the actual value of dollars over and above all charges upon, or incumbrances affecting the same.

2. My Post Office adresss is as follows : (*insert it*)

Sworn before me at the of
in the of in the
Province of this
day of A.D. One thousand
eight hundred and *seventy*
a J.P. for the said

A separate Affidavit to be made by each Surety.

The Indorsement on the Bond shall show :—1. The date of its receipt by the Secretary of State or Lieut.-Governor ; 2. The names of the Principal and Sureties, and the amount for which each is bound ; 3 The date of the Bond ; 4. The office for the faithful discharge of the duties whereof it is given ; 5. The Registration number ; 6. The folio on which it is entered in the Register of Bonds ; 7. The folio and book in which it is recorded in the office of the Secretary of State and Registrar-General of Canada, certified by the signature of the Secretary or his Deputy, and the said Bond and Suretyship shall be held to be given under this Act and the Act 31 Vict., chap. 37, and the Acts amending it, and subject to all the provisions thereof.

SCHEDULE B.

(*Section* 10.)

FORM OF REGISTRAR'S OATH OF OFFICE.

TERRITORIES OF CANADA.

County of } I (*name and describe deponent*), having been appointed by the *Governor General* of Canada to the office of Registrar, in and for the [*name of Registration District, &c.*,] do swear, that I will well, truly, and faithfully perform and execute all duties required of me, under the laws of Canada (and the ordinance, *if any*, of the Territories) relating to the said office, so long as I continue therein, and that I have not given, directly or indirectly, nor authorized any person to give, any money, gratuity or reward whatsoever for procuring the said office for me.

To Wit : }

Sworn before us at , the day of A. D. 187 .

A. B., J.P., }
C. D., J,P., } In and for the said *County.*

Signature of Registrar.

SCHEDULE C.

(*Section* 35.)

SUMMONS.

(In the matter of *The Territories Real Property Act*, 1878.)

A. B. (*insert addition*) is hereby summoned to appear before me at the on the day of , one thousand eight hundred and , at of the clock in the [fore *or* after] noon, then and there to be examined at the instance of C. D. (*insert addition*), concerning (*describe the case*), and the said A. B. is hereby required to bring with him and produce at the time and place aforesaid (*describe documents*), and all other writings and documents in his custody or power in anywise relating to the premises.

Given under my hand the day of one thousand eight hundred and

Registrar of Titles.

SCHEDULE D.

(*Section* 35.)

FEES PAYABLE FOR THE PERFORMANCE OF THE SEVERAL ACTS, MATTERS, AND THINGS HEREIN SPECIFIED.

For every certificate of title	$ 2 00
" Registering transfer mortgage or encumbrance	2 00
" Registering lease	2 00
" Registering transfer, discharge of mortgage, or of any encumbrance, or the transfer or surrender of any lease	1 00
" Extension of a mortgage or lease	1 00
" Every power of attorney	1 00
" Every registration abstract	4 00
" Cancelling registration abstract	1 00
" Every revocation order	1 00
" Noting caveat	2 00
" Cancelling or withdrawing caveat and service of notice to the caveator or caveatee	1 00
" Every search	0 50
" Every general search	1 00
" Every instrument declaratory of trust, and for every will or other instrument deposited	1 00
" Registering recovery by proceeding as in law or re-entry by lessor	1 00
" Registering the vesting of lease in mortgagee where assignees refuse to accept the same.	1 00
" Entering notice of writ of order of the court or judge	1 00
" Taking declaration in case of lost grant or other instrument	2 00
" Taking affidavit or statutory declaration	1 00
" Certified copies of instruments, per folio of 100 words	0 10

SCHEDULE E.

(*Section* 36.)

FORM OF GRANT FROM THE CROWN.

CANADA.

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

To all whom these presents shall come, Greeting :

Whereas the lands hereinafter described, are part of the lands known as "Dominion Lands" and mentioned in an Act of the Parliament of Canada, passed in the thirty-fifth year of Our Reign and intituled: "*An Act respecting the Public Lands of the Dominion.*"

And Whereas (*insert name and description of Grantee.*) ha applied for a grant of the said lands and (*his*) claim to such grant having been duly investigated by us, (*he*) ha been found duly entitled thereto, (*State how Grantee becomes entitled to the Grant.*)

Now Know Ye, that by these presents we do grant, convey and assure, unto the said and assigns for ever, all th parcel or tract of land, situate, lying and being in the in Our Dominion of Canada, and being composed of (*insert description of the land granted*, containing by admeasurement acres, more or less, to have and to hold the said parcel or tract of land unto the said and assigns forever; saving and reserving, nevertheless, unto us, our successors and assigns, the free user, passage and enjoyment of, in, over and upon all navigable waters that now are or may be hereafter found on or under, or flowing through or upon any part of the said parcel or tract of land.

Given under the Great Seal of Canada: Witness, and our (*name and titles of Governor-General.*)

At Ottawa, this day of in the year of Our Lord one thousand eight hundred and *seventy*———. and in the year of Our Reign.

Ref. No. } *By Command,*
Reg. No. }

Signatures.

Secretary of State.
Minister of Interior.

[INDORSE.]

DOMINION LANDS.

Grant to
Situate in the
Dated
Recorded

Lib. Fol.

Signature.
Deputy Registrar-General of Canada.

SCHEDULE F.

(*Section* 38.)

TERRITORIES OF CANADA.

Register Book.
—
Vol.....
Folium.....

CERTIFICATE OF TITLE.

Register, vol. , folio .

A. B. of is now seized of an estate of fee simple, subject, nevertheless, to such mortgages, encumbrances, liens and interests as are notified by memorial under written or endorsed hereon in (*here describe the land accurately*), and being (*or* being part of) section of land, in Township Range, in the said Territories of Canada (*or* District of Kee-way-din, *as the case may be*), containing, acres; which was originally granted on the day of in the year of Our Lord one thousand eight hundred and , under the hand and seal of , then *Governor General* of the Dominion of Canada. In witness whereof I have hereunto signed my name and affixed my seal this day of one thousand eight hundred and

(*Signed*)

Signature.

Registrar.

SCHEDULE G.

(*Section* 43.)

FORM OF ENCUMBRANCE.

I, A. B., being registered as proprietor, subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten or endorsed hereon, of that piece of land of (*description*) part of Section Township Range , containing acres, be the same a little more or less,—(*Here state rights of way, privileges, easements, if any, intended to be conveyed along with the land; and if the land dealt with does not contain all included in the original grant, set forth the boundaries and accompany it by a diagram in accordance with Section of this Act,*) which land was originally granted in Her Majesty's name on the day of 187 , under the Great Seal of Canada, by (*His Excellency the Right Hon. Sir Frederick Temple, Earl of Dufferin,*) then *Governor General* of Canada, under the authority of an Act of the Parliament of Canada, intituled "*An Act respecting the Public Lands of the Dominion.*" And desiring to render the said land available for the purpose of securing to and for the benefit of C. D. of (*description*) the (*sum of money, annuity or rent charge*) hereinafter mentioned, do hereby ENCUMBER the said land for the benefit of

the said C.D. with the (*sum, annuity or rent charge*) of $, to be raised and paid at the times and in the manner following, that is to say, (*Here state the times appointed for the payment of the sum, annuity or rent charge intended to be secured, the interest, if any, and the events on which such sum, annuity or rent charge shall become and cease to be payable, also any special covenants or powers and any modification of the powers or remedies given to an encumbrancee in this Act*): And subject as aforesaid, the said C. D. shall be entitled to all powers and remedies given to an encumbrancee by "*The Territories Real Property Act*, 1879."

In witness whereof I have hereunto signed my name this day of

Signature of Encumbrancer.

See Form of Attestation in Schedule S.

Insert memorandum of mortgages and encumbrances.

For Form of Transfer of Encumbrance *see* Schedule Q (*a*).

{STAMP}

SCHEDULE H.

(*Sections* 44, 72.)

FORM OF TRANSFER.

I, A. B., being the registered proprietor, subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten or endorsed hereon, of all that certain tract of land containing acres, be the same a little more or less, and being Section, Township , Range , in the Territories of Canada (*or* District of Kee-way-din, as the case may be), (*Here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with does not contain all included in the original grant, set forth the boundaries and accompany it by a diagram in accordance with Section of this Act,*) which land was originally granted in Her Majesty's name, on the day of 187 , under the Great Seal of Canada, by His Excellency (*the Right Honourable Sir Frederick Temple, Earl of Dufferin*) then *Governor General* of Canada, under the authority of an Act of the Parliament of Canada, intituled: "*An Act respecting the Public Lands of the Dominion*," do hereby in consideration of the sum of $, paid to me by E. F., the receipt of which sum I hereby acknowledge, TRANSFER to the said E. F all my right, title and interest in the said piece of land.

In witness whereof, I have hereunto subscribed my name this day of

(*Signature.*)

For Form of Attestation *see* Schedule S.

SCHEDULE I.

(*Section* 77.)

(*Endorse memorandum of mortgages and encumbrances.*)

FORM OF TRANSFER OF MORTGAGE, ENCUMBRANCE OR LEASE BY ENDORSEMENT.

I, the within mentioned C. D., in consideration of $, this day paid to me by X. Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him the mortgage [encumbrance *or* lease *as the case may be*] within written, together with all my rights, powers, title, and interest therein.

In witness whereof, I have hereunto subscribed my name this day of

C. D., *Transferror.*

Acccepted, X. Y., *Transferree.*

For Form of Attestation *see* Schedule S.

SCHEDULE J.

(*Section* 77.)

FORM OF TRANSFER OF PART OF MORTGAGE OR ENCUMBRANCE BY ENDORSEMENT.

I, the within mentioned C. D., in consideration of $, this day paid to me by X. Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him $ of the mortgage [*or* encumbrance *as the case may be*] within written, together with all my rights, powers, title, and interest therein, and the sum so transferred shall be preferred [*or* deferred *or* rank equally, *as the case may be*] to the remaining sum secured by the mortgage.

In witness whereof, I have hereunto subscribed my name this day of

C. D., *Transferror.*

Accepted, X. Y., *Transferree.*

For Form of Attestation *see* Schedule S.

SCHEDULE K.

(*Section* 80.)

FORM OF LEASE.

I, A. B., being registered as proprietor, subject however to such mortgages and encumbrances as are notified by memorandum underwritten or endorsed hereon, of that piece of land (*describe it*) part of , Section

, Township , Range containing acres, be the same a little more or less, (*Here state rights of way, privileges, easements, if any, intended to be conveyed along with the land; and if the land dealt with does not contain all included in the original grant, set forth the boundaries and accompany it by a diagram in accordance with Section of this Act,*) which land was originally granted in Her Majesty's name on the day of 18 , under the Great Seal of Canada, by His Excellency the *Right Honorable Sir Frederick Temple, Earl of Dufferin*, then *Governor General* of Canada, under the authority of an Act of the Parliament of Canada, intituled "*An Act respecting the Public Lands of the Dominion*," do hereby LEASE to E. F., of (*here insert description*), all the said lands to be held by him, the said E. F., as tenant, for the space of years from (*here state the date and term*) at the yearly rental of $ payable (*here insert terms of payment of rent*), subject to the covenants and powers implied under "The Territories Real Property Act, 1879" (*unless any are negatived or modified, in which case here set forth such negation or modification*).

I, E. F. of (*here insert description*), do hereby accept this lease of the above-described lands, to be held by me as tenant, and subject to the conditions, restrictions, and covenants above set forth.

Dated this day of

(*Signature of Lessor.*)

(*Signature of Lessee.*)

For Form of Attestation *see* Schedule S.

(*Here insert memorandum of mortgages and encumbrances.*)

For Form of Transfer of Lease, *see* Schedule Q (*a*).

SCHEDULE L.

(*Section* 86.)

1. The lessee will not transfer or sublet.

1. The lessee, his executors, administrators, or transferrees, will not, during the said term, transfer, assign, or sublet the premises hereby leased, or any part thereof, or otherwise by any act or deed procure the said premises, or any part thereof, to be transferred or sublet, without the consent in writing of the lessor or his transferrees first had and obtained.

2. The lessee will fence.

2. The lessee, his executors, administrators, or transferrees, will, during the continuance of the said term, erect and put upon the boundaries of the said land, or on those boundaries on which no substantial fence now exists, a good and substantial fence.

3. The lessee will cultivate.

3. The lessee, his executors, administrators, or transferrees, will, at all times during the said term, cultivate, use and manage in a proper husband-like manner, all such parts of the land as are now or shall hereafter, with the consent in writing of the said lessor or his transferrees, be broken up or converted into tillage, and will not impoverish or waste the same.

4. The lessee will not cut timber.

4. The lessee, his executors and administrators or transferrees, will not cut down, fell, injure or destroy any living timber or timber-like tree standing and being upon the said land, without the consent in writing of the said lessor or his transferrees.

5 The lessee will insure against fire in the name of the lessor.

5. The lessee, his executors, administrators, or transferees, will insure, and during the said term keep insured, against loss or damage by fire, in the name of the lessor or his transferrees, in some public insurance office approved of by him or them, to the amount of their full value, all buildings which shall, for the time being, be erected on the said land, and which shall be of a nature or kind capable of being insured against damage by fire, and will, when required, deposit with the lessor or his transferrees, the policy of such insurance, and within seven days after each premium shall become payable, the receipt for such premium; and on any breach or non-observance of this covenant, the lessor or his transferrees may, without prejudice to and concurrently with the powers granted to him and them by this lease, and by The Territories Real Property Act, 1879, insure such buildings, and the cost of effecting such insurance shall, during the said term, be a charge upon the said land. All moneys which shall be received under and by virtue of any such insurance shall be laid out and expended in making good the loss or damage.

6. The lessee will paint outside every third year.

6. The lessee, his executors, administrators, or transferrees, will, in every third year during the continuance of the said term, paint all the outside woodwork and ironwork belonging to the leased property with two coats of proper oil colors, in a workmanlike manner.

7. The lessee will paint and paper inside every fourth year.

7. The lessee, his executors, administrators, or transferrees, will, in every fourth year during the continuance of the said term, paint the inside wood, iron and other work now or usually painted, with two coats of proper oil colors, in a workmanlike manner, and also re-paper with paper of the same quality as at present, such parts of the said premises as are now papered, and also whiten or color such parts of the said premises as are now whited or colored respectively.

8. The lessee will not use the premises as a shop.

8. The lessee, his executors. administrators, or transferrees, will not convert, use or occupy the said premises, or any part thereof, into or as a shop, warehouse, or other place for carrying on any trade or business whatsoever, or permit or suffer the said premises or any part thereof to be used for any such purpose, or otherwise than as a private dwelling house, without the consent in writing of the said lessor or his transferrees.

9. The lessee will not carry on any offensive trade.

9. The lessee, executors, administrators,or transferrees, will not, at any time during the said term, use, exercise, or carry on, or permit, or suffer to be used, exercised, or carried on, in or upon the said premises, or any part thereof, any noxious, noisome, or offensive art, trade, business, occupation, or calling, and no act, matter or thing whatsoever shall, at any

time during the said term, be done in or upon the said premises, or any part thereof, which shall or may be or grow to the annoyance, nuisance, grievance, damage, or any disturbance of the occupiers or owners of the adjoining lands and properties.

10. The lessee will carry on the business of publican, and conduct the same in an orderly manner.

10. The lessee, his executors, administrators, or transferrees, will, at at all times during the continuance of the said term, use, exercise, and carry on in and upon the premises, the trade or business of a licensed victualler or publican and seller of fermented and spirituous liquors, and keep open and use the house, inn, and buildings, standing and being upon the land as and for an inn or public-house, for the reception, acccmmodation, and entertainment of travellers, guests and other persons resorting thereto, or frequenting the same, and manage and conduct such trade or business in a quiet and orderly manner, and will not do or commit, or suffer to be done or committed, any act matter or thing whatsoever, whereby or by means whereof any license shall be allowed to expire or to become void, or shall or may be liable to be forfeited, suspended, taken away, or refused.

11. The lessee will apply for renewal of license.

11. The lessee,his executors, administrators, or transferrees, will, from time to time during the continuance of the said term, at the proper times for that purpose, apply for, and endeavour to obtain such license or licenses as is, or are, or may be necessary for carrying on the said trade or business of a licensed victualler or publican in and upon the said premises, and keeping the said house or inn open as and for an inn or public house as aforesaid.

12. The lessee will facilitate the transfer of license.

12, The lessee,his executors, administrators, or transferrees, will, at the expiration or other sooner determination of the said term, sign and give such notice or notices, and allow such notice or notices of a transfer or renewal of any license, as may be required by law to be affixed to the said house or inn to be thereto affixed and remain so affixed during such time or times as shall be necessary or expedient in that behalf, and generally will do and perform all such acts, matters, and things as shall be necessary to enable the said lessor or his transferrees, or any person authorized by him or them to obtain the transfer of any license then existing and in force, or the renewal of any license or any new license.

SCHEDULE M.

(*Section* 89.)

FORM OF MORTGAGE.

I, A. B., being registered as proprietor, subject, however, to such mortgages, and encumbrances as are notified by memorandum underwritten or endorsed hereon, of that piece of land (*description*) part of Section Township Range , containing acres, be the same a little more or less, (*Here state rights of way, privileges,*

easements, if any, intended to be conveyed along with the land; and if the land dealt with does not contain all included in the original grant, set forth the boundaries and accompany it by a diagram in accordance with Section of this Act) which land was originally granted in Her Majesty's name, on the day of , 18—, under the Great Seal of Canada, by (*His Excellency the Right Honourable Sir Frederick Temple, Earl of Dufferin*) then *Governor General* of Canada, under the authority of an Act of the Parliament of Canada, intituled: "*An Act respecting the Public Lands of the Dominion*," do hereby, in consideration of the sum of $, lent to me by E. F., of (*here insert description*) the receipt of which sum I do hereby acknowledge,—covenant with the said E. F., that I will pay to him, the said E. F., the above sum of $, on the day of . Secondly, that I will pay interest on the said sum at the rate of , by the $ in the year, by equal payments on the day of , and on the day of in every year. Thirdly, (*here set forth special covenants, if any*); and for the better securing to the said E. F., the repayment in manner aforesaid of the principal sum and interest, I hereby MORTGAGE to the said E. F., the land above described.

In witness whereof, I have hereto signed my name this day of

Signature of Mortgagor.

See Form of Attestation, Schedule S.

(*Insert memorandum of mortgages and encumbrances.*)

For Form of Transfer of Mortgage, see Schedule I.

SCHEDULE N.

(*Section* 107.)

POWER OF ATTORNEY.

I, A. B. (*insert addition*) do hereby appoint C. D., (*insert addition*) my attorney to sell to any person all or any lands, leases, mortgages, or encumbrances, whether now belonging to me, or which shall hereafter belong to me, under or by virtue of *The Territories Real Property Act*, 1879, or of which I am now or shall hereafter be the proprietor under the said Act, ; also to mortgage all or any such lands or leases for any sum, at any rate of interest; also to charge the same with any annuity of any amount; also to lease all or any such lands as shall be of freehold tenure for any term of years, not exceeding *twenty-one* years in possession, at any rent; also to surrender, or obtain, or accept the surrender of any lease in which I am or may be interested; also to exercise and execute all powers which now are or shall hereafter be vested in or conferred on me as a lessor, mortgagee, or annuitant under the said Act (*or otherwise according to the nature and extent of the powers intended to be conferred,*) and for me, and in my name, to sign all such transfers and other instruments, and to do all such acts, matters, and things as may be necessary or expedient for carrying out the powers hereby given, and for recovering all sums of money that are now or may become due or owing to me in respect of the premises, and for enforcing or varying any contracts, covenants, or conditions, binding upon any lessee, tenant, or occupier of my said lands, or upon any other person in respect of the same, and for recovering and main-

taining possession of the said lands, and for protecting the same from waste, damage, or trespass.

Dated this day of

Signature of Constituent

See Form of Attestation, Schedule S.

SCHEDULE O.

(*Section* 108.)

FORM OF REVOCATION.

I, A. B., of hereby revoke the power of attorney given by me to , dated the day of , one thousand eight hundred and

In witness whereof I have hereunto subscribed my name this day of

Signature of Constituent.

See Form of Attestation, Schedule S.

SCHEDULE P.

(*Section* 110.)

TERRITORIES OF CANADA.

REGISTRATION OF ABSTRACT.

(*Here insert Copy of Grant or Certificate of Title.*)

Pursuant to the provisions of "*The Territories Real Property Act*, 1879." this Registration Abstract is issued for the purpose of enabling registered proprietor of the land described in the above written Grant or Certificate of Title, to deal with the above-described land at places without the limits of the said *Territories*, and shall continue in force from the date hereof until the day of or until the same be surrendered to me for cancellation.

In witness whereof I have hereunto signed my name and affixed my seal this day of

(*Signature*)

[L. S] Registrar of Titles.

SCHEDULE Q.

(*Section* 124.)

FORM OF TRANSFER OF LAND UNDER WRIT OF FIERI FACIAS.

I, Sheriff of the person appointed to execute the writ hereinafter mentioned, in pursuance of a writ of *fieri facias*, tested the day of one thousand eight hundred and and issued out of (*insert name of Court*) a Court of competent jurisdiction in an action wherein is the plaintiff, and the defendant, which said is registered as the proprietor of the land hereinafter described, subject to the mortgages and encumbrances notified hereunder, do hereby, in consideration of the sum of paid to me, as Sheriff aforesaid, by E. F. (*insert addition*) TRANSFER to the said E. F. all that piece of land (*here insert a sufficient description of the land, and refer to the debtor's certificate of title or grant.*)

Dated the day of one thousand eight hundred and

Signature of Sheriff.

Mortgages and encumbrances referred to. (*State them.*)

SCHEDULE Q. (*a*).

(*Section* 124.)

FORM OF TRANSFER OF LEASE, MORTGAGE, OR ENCUMBRANCE UNDER WRIT OF FIERI FACIAS.

I, Sheriff of the person appointed to execute the writ hereinafter mentioned (*or otherwise as the case may be*), in pursuance of a writ of *fieri facias*, tested the day of one thousand eight hundred and , and issued out of a Court (*insert name of Court*) of competent jurisdiction, in an action wherein is the plaintiff and the defendant, which said is registered as the proprietor of a lease [mortgage *or* encumbrance, *as the case may be*] numbered of [*or* upon] the land hereinafter described, subject to the mortgages or encumbrances notified hereunder, do hereby, in consideration of the sum of paid to me, as Sheriff aforesaid, by E. F. [*insert addition*], TRANSFER to the said E. F. the lease, (mortgage, or encumbrance granted by) to and in favor of , dated the day of to, in and over [*Here describe the land according to the description in the lease, mortgage, or encumbrance, and refer to the registered instrument.*]

Dated the day of one thousand eight hundred and

Signature of Sheriff.

Mortgages and encumbrances referred to. (*State them.*)

SCHEDULE Q. (*b.*)

(*Section* 124.)

FORM OF TRANSFER OF LAND UNDER DECREE OR ORDER OF A COURT OF COMPETENT JURISDICTION.

I, (*insert name*) in pursuance of a decree (*or order*) of (*insert name of Court*), a Court of competent jurisdiction, dated the day of one thousand eight hundred and , and entered in the Register, vol. , fol. hereby TRANSFER to E. F., (*insert addition*) subject to the mortgages and encumbrances notified hereunder, all that piece of land being (*here insert a sufficient description of the land and refer to the certificate of title or grant.*)

Dated the day of one thousand eight hundred and

Signature of Transferror.

Mortgages and encumbrances referred to. (*State them.*)

SCHEDULE Q. (*c.*)

(*Section* 124.)

FORM OF TRANSFER OF LEASE, MORTGAGE, OR ENCUMBRANCE, UNDER DECREE OR ORDER OF A COURT OF COMPETENT JURISDICTION..

I (*insert name*), in pursuance of a decree or order of (*insert name of Court*) a Court of competent jurisdiction, dated the day of one thousand eight hundred and , and entered in the Register, vol. fol. , hereby TRANSFER to E. F. (*insert addition*), subject to the mortgages and encumbrances notified hereunder, lease (*or* mortgage, *or* encumbrance, *as the case may be*) granted by in favour of (of *or* upon) all that piece of land (*here insert description of the land according to the description in the lease, mortgage or encumbrance, and refer to the registered instrument.*)

Dated the day of one thousand eight hundred and

Signature of Transferror.

Mortgages and encumbrances referred to. (*State them.*)

SCHEDULE R.

(*Section* 125.)

CAVEAT FORBIDDING REGISTRATION, OR DEALING WITH LAND.

To the Registrar of Titles.

Take notice that I, A. B., of (*insert addition*) claiming (*here state the nature of the estate or interest claimed, and the grounds upon which such*

claim is founded) in (*here describe land and refer to grant or certificate of title*) forbid the registration of any dealing with the before-mentioned land until this caveat be withdrawn by the caveator or by the order of a Court of competent jurisdiction, or a Judge thereof, or unless such dealing be subject to the claim of the caveator, or until after the lapse of twenty-one days from the date of the service of notice by the caveatee, at the following address. (*Insert it.*)

Signature of Caveator or his Agent.

Dated this day of 18 .

I, the above-named A, B., [or C. D., of (*residence and description*) agent for the above A. B.] make oath (*or* affirm, *as the case may be*) and say, that the allegations in the above caveat are true in substance and in fact, [*and, if no personal knowledge, add* as I have been informed and verily believe.]

Sworn, &c.

SCHEDULE S.

(*Section* 127.)

FORM OF ATTESTATION OF ATTESTING WITNESS.

The signature A. B., [*or, if a marksman*, the cross purporting to be the signature of A. B.,] was made in my presence on the date above set forth.

C. D. (*add designation.*)

SCHEDULE T.

(*Sections* 127 *and* 128)

CERTIFICATE OF REGISTRAR, DEPUTY-REGISTRAR OR COMMISSIONER FOR THE TAKING OF AFFIDAVITS, TAKING THE OATH OF ATTESTING WITNESS.

Appeared before me at the day of one thousand eight hundred and C. D., the attesting witness to this instrument, and made oath as follows :—" I, C D., of the County of in Registration District of the Territories of Canada, (*or* Province of *as the case may be*) make oath and say, that, on the day and date herein specified, I was present and saw A.B., the person herein named, and the person whose signature I attest, sign the within instrument, that I know the said A. B., that the name purporting to be the signature of the said A. B. is in his handwriting, and that he is the person herein described."

Signature.

Registrar, Deputy-Registrar or Commissioner.

SCHEDULE U.

(*Section* 130.)

IN A COURT OF COMPETENT JURISDICTION OF THE DOMINION OF CANADA.

(Date)

In the matter of the Registration of Transfer (*or as the case may be*) A. B. to C. D.

The Registrar, under Section 130 of *The Territories Real Property Act* 1879, hereby humbly refers the following matter to the Court, to wit: (*Here state briefly the difficulty which has arisen.*)

The parties interested so far as the Registrar knows or has been informed, are: (*Here give the names.*)

Signature.

(L.S.) Registrar of Titles.

No. 43.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to provide for the transfer of lands, and estates and interests in lands, and for other matters relating to Real Property in the Territories of Canada.

Received and read first time, Wednesday, 12th March, 1879.

Second reading, Friday, 14th March, 1879.

Mr. MILLS

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 44.] **BILL.** [1879.

An Act to repeal "An Act to regulate the construction and maintenance of Marine Electric Telegraphs."

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

1. The Act passed in the thirty-eighth year of Her Majesty's reign, chaptered twenty-six, and intituled: "*An Act to regulate the construction and maintenance of Marine Electric Telegraphs*" is hereby repealed. 38 V. c. 26 repealed.

2. The repeal of the said Act shall not invalidate or affect any charters which may heretofore have been granted by the Governor in Council under the great seal of Canada, under the provisions of the said Act; and notwithstanding the repeal of the said Act, any rights acquired thereunder are hereby expressly saved. Saving charters granted and rights acquired.

No. 44.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to repeal the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "An Act to regulate the construction and maintenance of Marine Electric Telegraphs."

Received and read, first time, Wednesday, 12th March, 1879.

Second reading, Friday, 14th March, 1879.

Mr. McCarthy.

OTTAWA:

Printed by MacLean, Roger & Co.,

1879.

No. 45.] **BILL** [1879.

An Act to authorize the Government of the Province of Quebec to construct a bridge over the Ottawa River for the use of the Quebec, Montreal, Ottawa and Occidental Railway, and for other purposes.

Preamble.

WHEREAS the Government of the Province of Quebec has, by its petition, represented that the Montreal, Ottawa and Western Railway now forms part of the Quebec, Montreal, Ottawa and Occidental Railway, of which the said Government is proprietor, in virtue of the Act of the Legislature of the Province of Quebec, thirty-ninth Victoria, chapter two; and whereas it is desirable in the interest of Canada, as well as of the Province of Quebec, to confer upon the Government of the said Province the powers granted to the Montreal, Ottawa and Western Railway Company by the Acts of the Parliament of Canada relating to the said Company, in so far as relates to the construction of a bridge across the Ottawa River, together with such other powers in that behalf as are hereinafter set forth, and likewise, power to acquire, hold and dispose of, when no longer required for the purposes of the railway, all land and real estate situate in the Province of Ontario necessary for the purposes of the said railway, as set forth in the said lastly cited Acts, and in this Act; and whereas it is expedient to make provision by legislation in that behalf: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporation created.

1. The Executive Government for the Province of Quebec, for the time being, is hereby constituted and declared to be a railway corporation, and body politic and corporate, for the purposes of this Act only, by the name, style and title of "The Government of the Province of Quebec," with power to enjoy, use and exercise all the powers conferred upon the Montreal, Ottawa and Western Railway Company by the several Acts of the Parliament of Canada relating to the said Company, in so far as relates to the construction of a railway bridge across the Ottawa River, and the making of connections with railways in the Province of Ontario; and the said corporation hereby constituted, is hereby authorized to construct, or cause to be constructed, a railway bridge across the River Ottawa, for the use of the said railway, at some suitable point at, near and between the Township of Hull, in the Province of Quebec, and the City of Ottawa, in the Province of Ontario.

Corporate name and powers.

Railway bridge may be constructed.

Plans to be submitted to Governor in Council.

2. The said corporation shall not commence the construction of the said bridge, or any work thereunto appertaining, until the corporation shall have submitted to the Governor in Council plans of such bridge, and of all 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 plan be altered, or any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose; and the making of an Order in Council by the Governor General, in accordance with the provisions of this section, shall be held and deemed to be equivalent to the proclamation of the Governor in Council required by the fourth section of the Act thirty-seventh Victoria, chapter seventy-one.

Corporation may hold certain real estate in Ontario.

3. The said corporation are further empowered, for the purpose of connecting their said railway bridge and railway with any railway or railways having a terminus at, or touching the City of Ottawa, or the vicinity thereof, to acquire, hold and use any real estate in the Province of Ontario, necessary for such purposes, in accordance with and subject to the provisions of "*The Railway Act*, 1868;" and to dispose of the same when no longer required for the purposes of the undertaking.

President and directors.

4. For the purposes of this Act, His Honor the Lieutenant-Governor of the Province of Quebec, for the time being, shall be held and taken to be the President of the said Corporation; the members of the Executive Council of the said Province, for the time being, shall be held and taken to be the Directors of the said Corporation; and all officers and servants appointed by the said President and Directors shall be held and taken to be the officers and servants of the Corporation, by the style and title assigned to them respectively by the said authority

Officers and servants.

No. 45.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to authorize the Government of the Province of Quebec to construct a bridge over the Ottawa River for the use of the Quebec, Montreal, Ottawa and Occidental Railway, and for other purposes.

Received and read, first time, Thursday, 13th March, 1879.

Second reading, Friday, 14th March, 1879.

(PRIVATE BILL.)

MR. HOLTON.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1879

No. 45.] **BILL.** [1879.

An Act to authorize the construction of a bridge over the Ottawa River for the use of the Quebec, Montreal, Ottawa and Occidental Railway, and for other purposes.

(*Reprinted as amended by the sub-Committee of the Select Standing Committee on Railways, &c., to which it was referred.*)

WHEREAS it has been represented by petition that the Quebec, Montreal, Ottawa and Occidental Railway, which is vested in Her Majesty to and for the public uses of the Province of Quebec, is now constructed and running to the City of Hull: and whereas it is desirable in the interests of Canada as well as of the said Province of Quebec to confer upon the Commissioner of Agriculture and Public Works of the said Province, power to construct a bridge over the Ottawa River at or near the City of Hull, and to connect the Quebec, Montreal, Ottawa and Occidental Railway with the railways of the Province of Ontario, and of the Dominion of Canada at or near the City of Ottawa: and whereas it is expedient to make provision by legislation in that behalf: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Commissioner of Agriculture and Public Works of the Province of Quebec, for the time being, is hereby authorized and empowered to construct a bridge over the waters of the Ottawa River at or near and between the Cities of Hull and Ottawa, and also to connect the Quebec, Montreal, Ottawa and Occidental Railway with any railway coming to the said City of Ottawa, and to construct and build a station and sidings, and all other structures necessary or convenient for a terminus of the said railway in the said City of Ottawa, and to acquire all such land as may be required therefor; and the said railway bridge and any portion of railway required for the said connection, and such station, land and terminal structures shall be vested in Her Majesty to and for the public uses of the said Province of Quebec.

2. The said Commissioner of Agriculture and Public Works shall not commence the construction of the said bridge, or any work thereunto appertaining, until he shall have submitted to the Governor in Council plans of such bridge, and of all 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 plan be altered, or any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose.

3. The said Commissioner of Agriculture and Public Works for the time being shall, for the purposes of this Act, have all the powers necessary for the effectual carrying out of the said purposes, which are conferred upon Railway Corporations for similar purposes by "*The Railway Act*, 1868," in so far as they are applicable to the works hereby authorized; and such Commissioner, for the time being, shall be entitled to exercise such powers in his name and by his said title.

4. The said Commissioner shall have power to make running arrangements with any Railway Company in the Dominion of Canada with the line of which connection shall be made by the works hereby authorized.

5. The said Commissioner of Agriculture and Public Works in his said capacity, and by his said title, may sue and be sued, plead and be impleaded in any court of law or equity in the Province of Ontario, for and in respect of any matter appertaining to the said bridge or the construction thereof, or the acquiring of lands therefor, or for the working of the said bridge, or the approaches thereto in the said Province of Ontario ; and any judgment or award against the said Commissioner of Agriculture and Public Works given or made under and by virtue of this Act, shall be enforceable by execution or other process from any of the said courts against all property acquired for the purposes of the said bridge or approaches thereto in the said Province of Ontario.

6. The powers, rights and liabilities conferred upon the said Commissioner of Agriculture and Public Works, by this Act, shall be vested in, and may be exercised by any Commissioner or public officer who may be hereafter, by the Legislature of the Province of Quebec, substituted in the place of the said Commissioner, and invested with his functions and powers in reference to the said railway.

7. This Act shall not in any manner affect or modify existing rights, or the remedies sought to be enforced by suits now pending in any court.

No. 45.

1st Session, 4th Parliament, 42 Victoria, 18

BILL.

An Act to authorize the construction a bridge over the Ottawa River the use of the Quebec, Montre Ottawa and Occidental Railway, a for other purposes.

(Reprinted as amended by the sub-Committee the Select Standing Committee on Railwa &c., to which it was referred.

(PRIVATE BILL.)

Mr. HOLTON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

1879

No. 46.] **BILL.** [1879.

An Act to incorporate the Yarmouth Dyking Company of Yarmouth, Nova Scotia.

Preamble.

WHEREAS Nehemiah K. Clements and Edward Franklin Clements, of Yarmouth, and Edward Wasell, of Digby, have, by their petition, prayed that they, and such other persons as may hereafter become associated with them under the provisions of this Act, may be incorporated for the purpose of building dykes across the Chebogue and Little Rivers; and whereas 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 House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The said Nehemiah K. Clements, Edward Franklin Clements and Edward Wasell, and such other persons as shall become shareholders in the corporation to be by this Act created, and their assigns shall be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in name, by the title of the Yarmouth Dyking Company, with power to hold personal estate for the use of the said corporation, and real estate to the extent of whatever land may be reclaimed by the undertaking hereby authorized; and, in addition thereto, such further real estate as shall be necessary for the full use, enjoyment, and occupation of the same; and the said Company shall have power to grant, bargain, sell, lease, mortgage, or otherwise dispose of the same, as shall be deemed necessary or convenient for the purposes of the Company.

Corporate name and powers.

Capital stock and shares.

Increase.

2. The capital stock of the said Company shall be five hundred thousand dollars, divided into fifty thousand shares of ten dollars each, with power to increase the same from time to time, to any sum not exceeding one million five hundred thousand dollars at any general annual meeting, or any special meeting of the stockholders called for the purpose, notice of which meeting shall be given for not less than ten days by advertisement in a newspaper published in Yarmouth, and by notice in writing to each shareholder.

First meeting of shareholders.

3. Whenever ten per cent. of the capital of the said Company shall have been subscribed, and ten per cent. thereof paid in, a general meeting of the members and stockholders, or the major part of them shall be called by notice in a newspaper published in Yarmouth, at least ten days previous to such meeting, for the purpose of organizing the said Company, and of making, ordaining, and establishing

such by-laws and regulations for the good management of the affairs of the said corporation, as the stockholders thereof

Directors.

shall deem necessary ; and also for the purpose of choosing Directors, not exceeding five in number, being stockholders of the corporation, which Directors so chosen, shall, during their term of office, have full power and authority to manage the business of the corporation, subject nevertheless to the rules and by-laws hereinbefore provided for.

Term of office.

4. The said Directors shall hold office for one year from the date of their respective appointments, but any retiring Director shall be eligible for re-election.

Annual meeting of shareholders.

5. There shall be an annual meeting of the shareholders held in the month of January in each and every year, and at such meeting the election of Directors shall be held, and a statement of the affairs of the Company, a list of the shareholders thereof, and all such further information as may be required by the by-laws shall be laid before the shareholders; special general meetings may be called in accordance with the by-laws ; and at all meetings questions shall be decided by a majority of votes, and in case of an equality of votes the chairman presiding at such meeting shall give the casting vote in addition to his vote as a shareholder.

Special general meetings.

Powers of the Directors.

6. The Directors, appointed as hereinbefore provided, shall have the power of transacting the general business of the Company, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in any court of law or equity in their corporate name as aforesaid ; and they and their successors shall and may have a common seal, and they shall also have power to appoint any such officers as may be necessary for the transaction of the business of the Company, and to dismiss the same at pleasure.

Powers and business of the company.

7. The said Company shall have power to build a dyke or dykes across the Chebogue River, in the County of Yarmouth, from any point not below Cook's Beach on the eastern side of the said river, to any point on the western side of the said river, not below Shortliff's Point ; and also to build a dyke or dykes across the Little River, in the said county, from and to any points not below a line running from Pinkney's Point to Big Cook Island, and thence to the mainland near the homestead lot of Thomas K. Smith ; and the said Company shall have power to build and erect all such breakwaters, piers, wharves, and blockings as shall be necessary for the prosecution of the said work, and shall have full power generally to shut off the tidal waters from, and to reclaim, all land now waste or covered or washed by water within the above mentioned boundaries : and in case repairs should at any time become necessary, the said Company shall have power to make, build, and erect such breakwaters, piers, wharves and blockings as shall be necessary for making and completing such repairs.

8. It shall be competent for the said Company to make any bargain or agreement with the proprietor of any lands, enclosed by the said proposed dykes, for compensation for damage to the said lands arising therefrom, or for compensation in lands or money to the said Company for improvements to the lands of any such proprietor arising from such proposed dyke or dykes; and in case any dispute shall arise between the said Company and any such proprietor or proprietors, as aforesaid, such dispute shall be referred to three arbitrators, one of whom shall be appointed by the Directors of the Company, a second by the said proprietor, and the third shall be chosen by the two arbitrators already so appointed; and in case they fail to agree upon any third person within five days from the date of their appointment, then shall the Custos of the county, or some Justice of the Peace named by him, act as such third arbitrator; and the award of the said arbitrators, or of any two of them, shall be final and binding upon the parties; provided that such award under the hand of the said arbitrators, or any two of them, shall be filed in the office of the Prothonotary of the Supreme Court, in and for the County of Yarmouth, within one month from the date of the appointment of the said third arbitrator; and the Company shall pay the expense of such arbitration, unless, in the opinion of the arbitrators, or a majority of them, the claim of any such proprietor shall have been groundless and vexatious.

Agreements with owners of land.

Arbitration in case of dispute.

Costs.

9. In case the proprietor of any marsh land, enclosed within the line of the said proposed dyke or dykes, shall wish to become a stockholder in the Company hereby incorporated, it shall be competent for the said Company, with the consent of the said proprietor, to take and receive his said marsh land, at an assessed value, in payment for shares in the stock of such Company; and such assessment shall be made at the joint expense of the said proprietor and the said Company, by two assessors, one to be appointed by the Company, and the other by the said proprietor; and in case of a disagreement, then the said assessors shall appoint an umpire, and the decision of the said assessors, or of the said umpire, shall be binding and final as between the parties, provided such decision be made in writing, signed by the assessors, or by the said umpire, and that a copy thereof be served upon such proprietor and upon a Director of the Company, within ten days of the appointment of the said assessors, if such decision be made by them; but if such decision be made by the said umpire, then service of copies thereof, as aforesaid, shall be made within ten days of the appointment of the said umpire.

Marsh land may be taken in payment of stock.

Assessment.

Arbitration in case of disagreement.

10. No member of the corporation shall be liable in his person or separate estate for the debts of the corporation 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 sum by becoming surety for the debts of the Company.

Liability of shareholders limited.

Consent of proprietors to this Act required.

11. This Act shall not go into operation till the consent of two-thirds, in quantity, of the proprietors of lands within the line of the proposed dykes and bounded by the rivers hereinbefore mentioned, shall have been obtained in writing, and deposited in the office of the Provincial Secretary of the Province of Nova Scotia, whose certificate of the deposit thereof shall be competent authority to the said Company to undertake and proceed with the proposed works.

Certain rights and privileges saved.

12. Nothing herein contained shall be construed as affecting private rights, except as hereinbefore provided, or as conflicting with any rights or privileges belonging to or within the exclusive jurisdiction of the Province of Nova Scotia.

No. 46.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to incorporate the Yarmouth Dyking Company of Yarmouth, Nova Scotia.

Received and read, first time, Thursday, 13th March, 1879.

Second reading, Friday, 14th March, 1879.

(PRIVATE BILL.)

Mr. KILLAM.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

No. 46.] **BILL.** [1879.

An Act to incorporate the Yarmouth Dyking Company of Yarmouth, Nova Scotia.

(Reprinted as amended by the Select Standing Committee on Miscellaneous Private Bills.)

Preamble.

WHEREAS Nehemiah K. Clements, of Yarmouth, has, by his petition, prayed that he, and such other persons as may hereafter become associated with him under the provisions of this Act, may be incorporated for the purpose of building dykes across the Chebogue and Little Rivers; and whereas 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 House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

Corporate name and powers.

1. The said Nehemiah K. Clements, and such other persons as shall become shareholders in the corporation to be by this Act created, and their assigns shall be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in name, by the title of the Yarmouth Dyking Company, with power to hold personal estate for the use of the said corporation, and to acquire and hold real estate to the extent of whatever land may be reclaimed by the undertaking hereby authorized; and, in addition thereto, such further real estate as shall be necessary for the full use, enjoyment, and occupation of the same; and the said Company shall have power to grant, bargain, sell, lease, mortgage, or otherwise dispose of the same, as shall be deemed necessary or convenient for the purposes of the Company.

Capital stock and shares.

2. The capital stock of the said Company shall be five hundred thousand dollars, divided into fifty thousand shares of ten dollars each.

First meeting of shareholders.

Directors.

3. Whenever ten per cent. of the capital of the said Company shall have been subscribed, and ten per cent. thereof paid in, a general meeting of the members and stockholders, or the major part of them, shall be called by notice in a newspaper published in Yarmouth, at least ten days previous to such meeting, for the purpose of organizing the said Company, and of making, ordaining, and establishing such by-laws and regulations for the good management of the affairs of the said corporation, as the stockholders thereof shall deem necessary; and also for the purpose of choosing Directors, not exceeding five in number, being stockholders of the corporation, which Directors so chosen shall, during their term of office, have full power and authority to manage

the business of the corporation, subject nevertheless to the rules and by-laws hereinbefore provided for.

Term of office.

4. The said Directors shall hold office until the first annual general meeting of the Company to be held as hereinafter provided.

Annual meeting of shareholders.

Special general meetings.

5. There shall be an annual meeting of the shareholders held in the month of January in each and every year, and at such meeting the election of Directors shall be held, and a statement of the affairs of the Company, a list of the shareholders thereof, and all such further information as may be required by the by-laws shall be laid before the shareholders; special general meetings may be called in accordance with the by-laws; and at all meetings questions shall be decided by a majority of votes, and in case of an equality of votes the chairman presiding at such meeting shall give the casting vote in addition to his vote as a shareholder.

Powers and business of the company.

6. The said Company shall have power to build a dyke or dykes across the Chebogue River, in the County of Yarmouth, from any point not below Cook's Beach on the eastern side of the said river, to any point on the western side of the said river, not below Shortliff's Point; and also to build a dyke or dykes across the Little River, in the said county, from and to any points not below a line running from Pinkney's Point to Big Cook Island, and thence to the mainland near the homestead lot of Thomas K. Smith; and the said Company shall have power to build and erect all such breakwaters, piers, wharves, and blockings as shall be necessary for the prosecution of the said work, and shall have full power generally to shut off the tidal waters from, and to reclaim, all land now waste or covered or washed by water within the above mentioned boundaries; and in case repairs should at any time become necessary, the said Company shall have power to make, build, and erect such breakwaters, piers, wharves and blockings as shall be necessary for making and completing such repairs.

Issue of paid-up stock in payment of property taken.

7. The directors shall have power to issue paid-up stock in the said Company, in payment of the prices of real estate, or of personal property required for the purposes of the said Company or for the purposes of this Act, and such paid-up stock shall be free from all calls whatsoever and from all claims and demands 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 holders thereof in full.

Arbitration in case of dispute.

Agreement with owners of lands.

8. It shall be competent for the said Company to make any bargain or agreement with the proprietors of lands enclosed by the said proposed dykes or affected thereby in such a manner as to deprive them of any easement or privilege; and in case any dispute shall arise between the Company and any such proprietors, or whenever the Company shall be unable to agree with any proprietors of lands proposed to be taken in payment of stock in the Company,

the subject matter in controversy shall be referred to three arbitrators, one of whom shall be appointed by the Company and one by the said proprietor, the two thus appointed to choose a third; and in case they fail to do so within five days from the date of their appointment, the custos or other the chief municipal officer of the township of Yarmouth or some Justice of the Peace named by him, shall act as such third arbitrator, and the award or decision of the said arbitrators or any two of them shall be final and binding upon the parties; provided that such award or decision shall be filed in the office of the Prothonotary of the Supreme Court in the County of Yarmouth within one month from the date of the appointment of the said third arbitrator; and the Company shall pay the expense of each arbitration, unless in the opinion of the said arbitrators or of any two of them, the claim of such proprietor shall have been groundless and vexatious.

Costs of arbitration.

9. Section eighteen of "*The Canada Joint Stock Companies Clauses Act*, 1869," shall not be incorporated with this Act, and this Act shall be held to be a special Act within the meaning of the said Joint Stock Companies Clauses Act.

Section 18 Joint Stock Companies Act not incorporated.

10. This Act shall not go into operation till the consent of the proprietors of three fourths of the marsh lands within the line of the proposed dykes and bounded by the rivers hereinbefore mentioned, shall have been obtained in writing, and deposited in the office of the Provincial Secretary of the Province of Nova Scotia, whose certificate of the deposit thereof shall be competent authority to the said Company to undertake and proceed with the proposed works.

Consent of proprietors to this Act required.

No. 46.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to incorporate the Yarmouth Dyking Company of Yarmouth, Nova Scotia.

(*Reprinted as amended by the Select Standing Standing Committee on Miscellaneous Private Bills.*)

(PRIVATE BILL.)

Mr. KILLAM.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 47.] **BILL** [1879.

An Act to extend the corporate character and powers of the Direct United States Cable Company to the Dominion of Canada.

Preamble.

WHEREAS a certain incorporation, incorporated under the laws of the United Kingdom of Great Britain and Ireland, in the year eighteen hundred and seventy-seven, under the name of the "Direct United States Cable Company, Limited," has by its petition represented that it was so incorporated for the objects mentioned in the Memorandum of Association of the said Company, detailed in Schedule A appended to this Act; and have prayed that, to enable them to carry out the said objects, an Act may be passed extending their corporate character and powers to the Dominion of Canada, and authorising them to carry out in Canada, the purposes for which they were so incorporated, and it is expedient that the prayer of their petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporation declared to be a body corporate.

1. The Corporation mentioned in the preamble to this Act is hereby declared to be, within the Dominion of Canada, a body corporate and politic under the laws of Canada, by the said name of the "Direct United States Cable Company, Limited," with the constitution and organization provided for by the proceedings taken for its incorporation in Great Britain, and with the right of exercising within the said Dominion all the powers provided for by the Articles of Association of the said Corporation, as detailed in the said Schedule A.

38 V. c. 26 not to apply.

2. The provisions of the Act thirty-eighth Victoria, chapter twenty-six, shall not apply to the said Corporation.

SCHEDULE A.

To construct, establish, lay, maintain, repair, renew and work submarine cables and land telegraphs between and in Great Britain, Ireland, and America, or between any places or points forming or intended to form part or parts of any telegraphic route between those countries or any places therein, or any intermediate or other places; to contract for, acquire, or take on lease, or hire, maintain, renew, repair, work, sell, lease, or let on hire any telegraph, cables, or lines of telegraph whatsoever, and wheresoever, and generally to carry on the business of a Telegraph Company; to apply for, obtain, acquire, accept, purchase, sell, lease, let, use, work,

surrender, and dispose of such lands, rights, concessions, leases, shares, privileges, licenses and letters patent, and any shares or interest in the same respectively as may be useful or desirable for the purposes aforesaid, or any of them; to construct, purchase, hire, fit up, use and work any vessels; to do all or any of the matters or things aforesaid, in conjunction with any other company, or person or persons; to obtain charters of incorporation or other rights in any other countries, colonies or dependencies; to accept surrenders of shares, to subscribe for, purchase or otherwise acquire shares of, or amalgamate with and share in the business or undertakings of, any other telegraph company or companies, or any company or association whatsoever established or to be established in the United Kingdom or abroad, for any object similar or analagous to any of those for which the Company is established; to sell, lease, let, maintain, repair and deal with the shares, property, and effects from time to time belonging to or in possession of the Company; to make and carry into effect working, traffic, and other agreements with Governments, government departments, railway, postal, steamboat, telegraph and other companies and authorities, or any other such company, or person or persons as aforesaid, and generally to do all such acts and things as are or shall be necessary for, or incidental or conducive to, the attainment of the foregoing objects, or any or either of them.

No. 47.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to extend the corporate character and powers of the Direct United States Cable Company, to the Dominion of Canada.

Received and read, first time, Thursday, 13th March, 1879.

Second reading, Friday, 14th March, 1879.

(PRIVATE BILL.)

Mr. McCARTHY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

[No. 47.] **BILL.** [1879.

An Act to change the name of "The Ottawa Agricultural Insurance Company" to that of "The Metropolitan Insurance Company," to reduce its Capital Stock and for other purposes.

Preamble. 37 V. c. 89.

WHEREAS "The Ottawa Agricultural Insurance Company" by its petition, has represented that it was incorporated under the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered eighty-nine, and that it is desirous of changing its name to that of "The Metropolitan Insurance Company," of reducing its capital stock, of enlarging its powers and of obtaining divers amendments of its Act of incorporation, and subsequent Acts in amendment thereof, and has, by its petition, prayed for a special Act to enable it to effect the purposes aforesaid; and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:---

Corporation continued under new name.

1. The said the Ottawa Agricultural Insurance Company, and all its members and their respective executors, administrators and assigns, are hereby constituted a body public and corporate, under the name of "The Metropolitan Insurance Company," having its head office in the City of Ottawa, and a common seal, and under that name may sue and be sued, contract and be contracted with.

Certain rights and powers vested in the company.

2. The said the Metropolitan Insurance Company, (hereinafter called the Company), shall have, hold and continue to exercise all the rights, powers and privileges that have heretofore been held, exercised and enjoyed by the said the Ottawa Agricultural Insurance Company, and shall be subject to all the liabilities to which the said the Ottawa Agricultural Insurance Company is now subject, in as full and ample a manner as if the said the Ottawa Agricultural Insurance Company had continued to exist under its original name, and all statutory provisions applicable to the said the Ottawa Agricultural Insurance Company shall continue applicable to the Company, so far as the same are not limited or extended, or varied, or contrary to or inconsistent with the provisions of this Act.

Property transferred.

3. All the real and personal property, shares, stock, debts, rights, assets, claims and demands of the said the Ottawa Agricultural Insurance Company, shall be and hereby are transferred to and vested in the Company, and all its debts and obligations shall be binding on the same; and all the shareholders in the said the Ottawa Agricultural Insurance

Company shall be shareholders in the Company, and all legal proceedings heretofore begun by or against the said the Ottawa Agricultural Insurance Company, may be continued and terminated under the name or style of cause in which they have been instituted.

Officers continued.

4. The present President, Vice-President, Directors and Officers of the said the Ottawa Agricultural Insurance Company, shall continue in office as such in the Company, until replaced in conformity with the by-laws of the said the Ottawa Agricultural Insurance Company, or of the Company and the provisions of the law.

By-laws, policies and contracts continued.

5. All the present by-laws, rules, regulations, policies and contracts of the said the Ottawa Agricultural Insurance Company, so far as the same are not contrary to law or inconsistent with the provisions of this Act, shall continue in full force and effect, and shall be binding in law as against the Company, its directors, officers, agents, shareholders, policy holders and contractors, until modified, amended, repealed, lapsed, fulfilled or discharged in conformity to law, and the provisions of this Act.

Capital stock reduced.

6. The capital of the said the Ottawa Agricultural Insurance Company, is hereby reduced from one million dollars to five hundred thousand dollars, divided into ten thousand shares of fifty dollars each, and the nominal value of each share is reduced from one hundred dollars to fifty dollars, and the liability of its shareholders is reduced to the amount unpaid on each share estimated at the reduced value, but such reduction shall not affect the amount due or payable by any shareholder in respect either of allotment or of any calls heretofore made and unpaid, and the liability of such shareholder shall continue in respect of such allotment, or calls, or both, until fully paid.

To be capital of new company.

7. The capital stock of the said the Ottawa Agricultural Insurance Company, reduced as hereinbefore enacted, shall be and form the capital stock of the Company, now and hereby incorporated under the name of "The Metropolitan Insurance Company."

Capital may be increased.

8. The Directors shall have power to increase the capital of the Company by issuing new shares to an amount not exceeding one million dollars, provided that such increase of capital shall have been previously authorized by a resolution adopted by at least two-thirds of the votes of the shareholders of the Company voting in person or by proxy, at a special general meeting duly called for that purpose, and the said Directors shall have the same power as to allotment of and calls upon such increased capital as they now have in respect of the present capital of the Company.

Forfeiture not to discharge liability.

9. Any member whose shares have been or hereafter may be forfeited, shall notwithstanding such forfeiture and notwithstanding any reduction in value under this Act, be liable

to pay to the Company all calls, interest and expenses owing upon such shares at the time of the forfeiture.

Qualification of directors.

10. The number of shares required for the qualification of Directors shall be twenty instead of ten, and section nine of the said Act of incorporation thirty-seventh Victoria, chapter eighty-nine, is hereby amended by substituting the word "twenty" for the word "ten."

Business of the company.

11. The Company shall have power and authority to carry on a general fire insurance business in Canada, including commercial as well as agricultural risks, and to transact all kinds and descriptions of fire insurance business therein, and also to combine therewith and carry on and transact an inland marine insurance business.

Venue in suits.

12. Any note or notes given to the said the Ottawa Agricultural Insurance Company, or to any of the officers or agents thereof, or to be given to the Company, or to any of the officers or agents thereof for premium or premiums of insurance, shall be deemed to be payable at the head office of the Company in the City of Ottawa, and any suit cognizable as to amount in the division court of the Province of Ontario, upon or for may be entered and tried and determined in the court for the division wherein the head office of the Company is situate.

Non-payment of premium note to void policy.

13. In case any note given to the said the Ottawa Agricultural Insurance Company, or to any agent or officer thereof for premium of insurance, was not or is not paid at maturity, then the policy of insurance for which such premium note was taken shall be absolutely null and void; and in case any note shall hereafter be given to the Company or to any agent or officer thereof, for premium of insurance, and shall not be paid at maturity, then the policy of insurance for which such premium note shall be so given shall be absolutely null and void: Provided always, that in such case the maker of the said note shall remain liable to the Company for the amount thereof: and provided further, that it shall be lawful for the Directors of the Company, in their discretion, upon payment of such note and all interest and expenses accrued and incurred thereon, to waive the said forfeiture of such policy, and thereupon such policy shall be again in full force; such waiver, however, shall be evidenced in each case by a resolution of the said Directors to that effect duly entered in the minute book of the Company.

Proviso.

Proviso.

Agreement for amalgamation.

14. The Directors of the Company may enter into an agreement with one or several of the incorporated Fire Insurance Companies of Canada, duly licensed to transact and carry on a general fire insurance business therein for an amalgamation, and may determine upon the terms of such amalgamation and the relative values of the assets of the Company and of such amalgamating companies, and may agree upon all matters respecting the management of the companies so amalgamated: Provided that the said agreement of amalgamation shall not contain anything inconsistent with the

Proviso.

general Act relating to fire and inland marine insurance business in Canada; no such agreement shall be valid however until confirmed by the majority of the shareholders of the Metropolitan Insurance Company, present or duly represented at a special general meeting of the said shareholders duly called for that purpose.

Amalgamation may be agreed to by other companies.

15. The Directors of any other incorporated Fire Insurance Company of Canada duly licensed to transact and carry on a general fire insurance business therein, are hereby authorized to enter into an agreement of amalgamation with the Metropolitan Insurance Company, to the purport and effect set forth in the next preceding section; but such agreement shall not be valid until confirmed by the majority of the shareholders of each Company entering into such amalgamation present or duly represented at a special general meeting of the said shareholders duly called for that purpose.

Form of agreement.

16. The agreement of amalgamation may be made either by duplicate indenture under seal or by notarial deed, and after its confirmation by the shareholders of the amalgamating Companies, a duplicate of such indenture under seal or an authentic copy of such notarial deed shall be filed in the office of the Secretary of State of Canada, and immediately after its filing, the said duplicate or the said copy shall be published in the *Canada Gazette*, at the expense of the amalgamating Companies, and the amalgamation shall come into force from the date of such publication, and thereafter the amalgamated Companies shall be deemed to be one corporation and Company, under such name as may be declared in the agreement of amalgamation, such name however not to be that of any Fire Insurance Company incorporated and doing business in Canada, not being a party to such amalgamation; and the new Company shall thenceforth possess all the rights and privileges belonging to the several Companies so amalgamated, and shall be entitled to withdraw and receive forthwith from the Receiver-General or Minister of Finance of Canada the total amount of the deposits of the several amalgamated Companies, less the sum of fifty thousand dollars which shall be retained as the deposit of the new Company, to whom the Minister of Finance shall forthwith cause a license to be issued in accordance with the general Act relating to fire and inland marine insurance business in Canada.

To be deposited.

New name.

Evidence of amalgamation.

17. Any copy of the *Canada Gazette* containing the said publication of the said agreement of amalgamation shall be conclusive evidence in all Courts and in all proceedings, of the said agreement of amalgamation, and of the amalgamation of the Companies so amalgamated, and of their incorporation into one and the same corporation.

Capital stock.

18. The capital of the new Company shall not be less than the sum of the joint capital of the several amalgamated Companies collectively, and the amount thereof shall be declared by the agreement of amalgamation.

19. The agreement of amalgamation shall provide for the place where the principal office of the new Company shall be situate. Head office.

20. Immediately upon the amalgamation taking place the shareholders of the respective Companies so amalgamating shall *ipse facto* become the shareholders of the new Company in the proportion set forth in the agreement of amalgamation. Who shall be shareholders.

21. So soon as the amalgamation shall take effect the assets of the several Companies so amalgamated shall become vested in the new Company as for its own use and benefit absolutely, and it may in its own name exercise all the rights and powers of each of the amalgamated Companies, and in its own name may sue and be sued, contract and be contracted with, and have a common seal. Assets vested in new company.

22 The new Company shall forthwith become liable for all the obligations of each of the said Companies so amalgamated, and may be sued and recovery had thereon. Obligations.

23. The amalgamation shall in no way vary the obligations of the debtors of the said Companies so amalgamated, save and except that they shall become the debtors of the new Company. As to debtors.

24. This Act may be cited as "*The Metropolitan Insurance Company's Act.*" Short title.

No. 48.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to change the name of "The Ottawa Agricultural Insurance Company" to that of "The Metropolitan Insurance Company," to reduce its Capital Stock and for other purposes.

Received and read, first time, Thursday, 13th March, 1879.

Second reading, Friday, 14th March, 1879.

(PRIVATE BILL.)

Mr. ROCHESTER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 49.] **BILL.** [1879.

An Act to repeal so much of the Act thirty-third Victoria, Chapter forty-six, as relates to the imposition and collection of dues and tolls upon logs, timber, pine, cedar and railway ties, passing down the River Moira through the Port of Belleville.

Preamble. 33 V. c. 46.

WHEREAS certain persons engaged in the manufacture of lumber, timber, railway ties and other stuff in the Bay of Quinté, and who float in each year down the Moira River, and through the Port of Belleville large quantities of saw logs, timber, cedar and railway ties, have represented by their petition that the dues now imposed by the corporation of the City of Belleville are excessive and unjust, and that no provision is made by the said corporation in return for the said tolls or adequate thereto, for the safety or protection of the stuff brought down the said river, and have prayed that so much of the Act thirty-third Victoria, chapter forty-six, as relates to the imposition and collection of tolls upon logs, timber, pine, cedar and railway ties, passing down the River Moira through the Port of Belleville be repealed; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

Provision as to certain tolls repealed.

1. So much of the said Act thirty-third Victoria, chapter forty-six, as relates to the imposition and collection of dues or tolls upon logs, timber, cedar and railway ties, passing down the Moira River through the Port of Belleville is hereby repealed.

No. 49.

1st Session, 4th Parliament, 41 Victoria, 1879.

BILL.

An Act to repeal so much of the Act thirty-third Victoria, Chapter forty-six, as relates to the collection of dues and tolls upon logs, timber, cedar, pine and railway ties, passing down the Moira River through the Port of Belleville.

Received and read, first time, Friday, 14th March, 1879.

Second reading, Monday, 17th March, 1879.

(PRIVATE BILL.)

Mr. McCuaig.

OTTAWA:

Printed by MacLean, Roger & Co.

1879.

No. 49.] **BILL.** [1879.

An Act to repeal so much of the Act thirty-third Victoria, Chapter forty-six, as relates to the imposition and collection of dues and tolls upon logs, timber, pine, cedar and railway ties, passing down the River Moira through the Port of Belleville.

(Reprinted as amended by the Select Standing Committee on Miscellaneous Private Bills.)

Preamble.

WHEREAS certain persons engaged in the manufacture of lumber, timber, railway ties and other stuff in the Bay of Quinté, and who float in each year down the Moira River, and through the Port of Belleville large quantities of saw logs, timber, cedar and railway ties, have represented by their petition that the dues now imposed by the corporation of the City of Belleville are excessive and unjust, and that no provision is made by the said corporation in return for the said tolls or adequate thereto, for the safety or protection of the stuff brought down the said river, and have prayed that the Act thirty-third Victoria, chapter forty-six, intituled: "*An Act to authorize the Town of Belleville to impose and collect Harbour Dues, and for other purposes*," may be amended as is hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

Provision as to certain tolls.

1. That the first section of the Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, chaptered forty-six, intituled: "*An Act to authorize the Town of Belleville to impose and collect Harbour Dues, and for other purposes*," is hereby amended by adding thereto the following words: "Provided always, and it is hereby enacted, that the Corporation of the Town of Belleville may, from time to time, alter, amend, or change the said dues or tolls so fixed, or any part of them, subject always to revision by the Governor in Council, as in this Act hereinafter provided."

Governor may alter tolls.

2. The Governor in Council shall have the power, on proper cause shewn, and he is hereby authorized to revise, alter, amend or change the said tolls, or any part of them, to such extent as the justice and right of the case may require.

Booms to be made and maintained.

3. So long as the Corporation of the City of Belleville collects dues or tolls upon logs, timber, pine, cedar and railway ties passing down the Moira River, through or into the

Port of Belleville, or through or into the said Harbour, it shall be the duty of the said Corporation to make and maintain proper and sufficient piers and booms, in the said Harbour, to protect the said logs, timber, pine, cedar and railway ties from escaping into the Bay of Quinté, in order to the sorting and separation of the said property by the respective owners thereof; Provided, however that the said Corporation shall not be responsible for the escape of any such logs, timber, pine, cedar or railway ties, by reason of the accidental or other breaking or cutting of the said boom and piers, so long as the said piers and booms are kept and maintained in a proper and efficient state of repair.

Proviso.

No. 49.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL

An Act to repeal so much of the Act thirty-third Victoria, Chapter forty-six, as relates to the collection of dues and tolls upon logs, timber, cedar, pine and railway ties, passing down the Moira River through the Port of Belleville.

Reprinted as amended by the Select Standing Committee on Miscellaneous Private Bills.

(PRIVATE BILL.)

Mr. McCUAIG.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1879.

No. 50.] **BILL.** [1879.

An Act respecting "La Banque Jacques Cartier."

Preamble.

WHEREAS *La Banque Jacques Cartier* has by petition represented that it has sustained heavy losses in the course of its operations, which have had the effect of diminishing its assets; that in order that it may continue its operations with advantage it is necessary, as was unanimously admitted by its shareholders in general meeting assembled, to reduce its capital stock by reducing the number of shares; that it is the unanimous desire of the said shareholders that the time fixed for the annual general meeting should be changed; and whereas it is expedient to grant the prayer of the said petition, and to grant certain further powers to the Board of Directors of the said Bank: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Capital stock reduced.

1. From and after the , the capital stock of *La Banque Jacques Cartier* shall be reduced from one million dollars to five hundred thousand dollars, divided into twenty thousand shares of twenty-five dollars each, so that the present number of shares shall be reduced by one-half.

Conversion of shares.

2. The existing shares shall on the said day be converted into new shares, which shall then be issued to the shareholders in the proportion of one new share for each two shares then held by them.

Uneven number provided for.

3. Any shareholder who shall then be the holder of an uneven number of shares, may arrange with any other shareholder, similarly situated, for uniting their shares, and obtaining in their joint names their proportion of shares in the new issue.

As to shares unconverted.

4. If any shares remain unconverted, the new shares representing the same shall be at once issued, and shall be sold in such manner as may be considered most advantageous by the Board of Directors, and the proceeds shall be distributed *pro rata* to the holders of the shares in lieu whereof they have been issued.

Transactions to be in new shares.

5. From and after the said day, all transactions shall take place in the new capital and the new shares, and the Directors shall have power to close the transfer book for such time as shall be deemed expedient, in order to re-arrange the said book in conformity with the new issue.

Disposal of shares held by the bank.

6. The bank may, when it shall deem it advantageous to do so, dispose of the new shares, which shall represent those *held by it* at the time of the new issue, either by selling the same, or by distributing them to the shareholders. or by both of such methods, as may be considered expedient by the Board of Directors.

Annual general meeting; time changed.

7. The annual general meeting of the shareholders for the election of Directors and the general transaction of business, shall be held in the course of the month of June, in each year, the first of such meetings after the passing of this Act to be held in June, one thousand eight hundred and seventy-nine; Provided that it shall be lawful for the shareholders, by by-law, to change the date fixed for such general meeting.

Proviso.

Certain rights saved.

8. Nothing in this Act shall be construed so as to lessen the responsibility of the shareholders of the bank with respect to existing creditors, nor so as to modify the liability of present holders of shares, not paid up in full, to pay up the entire amount of the original nominal value of the said shares.

No. 50.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act respecting "La Banque Jacques Cartier."

Received and read, first time, Friday, 14th March, 1879.

Second reading, Monday, 17th March, 1879.

(PRIVATE BILL.)

Mr. GIROUARD.
(Jacques Cartier.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1879.

51

An Act to amend "The Penitentiary Act, 1875."

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

1. Sub-section four of section forty-four of the Act passed in the thirty-eighth year of Her Majesty's Reign (A.D., one thousand eight hundred and seventy-five) chaptered forty-four, and intituled: "An Act respecting Penitentiaries, and the inspection thereof, and for other purposes," is hereby amended by adding thereto the words "Provided that, should the Warden be of opinion that a convict, on being discharged, does not intend *bonâ fide* to return to the place at which he received his sentence, but intends to go to some other place nearer the Penitentiary, then such convict shall be furnished with such less sum of money as shall, in the Warden's opinion, be sufficient to pay his travelling expenses to such nearer place."

2. The Governor in Council may appoint a fit and proper person to be the Accountant of Penitentiaries, who shall be an officer of the Department of Justice, and who shall receive such salary as may be voted by Parliament. He shall be charged generally with the direction, inspection, and audit of the books, accounts, money transactions, and financial affairs of the Penitentiaries, and with such other powers and duties with which the Inspector is now charged as may be assigned to him by order of the Governor in Council; and from and after the appointment of such Accountant, the powers and duties of the Inspector in respect of the matters with which the Accountant may be charged shall cease.

No. 52.] **BILL.** [1879.

An Act respecting the Consolidated Bank of Canada.

Preamble.

WHEREAS the Consolidated Bank of Canada has by its petition represented that it would be for the interest of the said Bank that the number of its Directors should be diminished, and that its local Board at Toronto should be abolished, and has prayed that the said changes in its organization should be made, and 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:—

Number of directors reduced.

1. From and after the next annual meeting of the shareholders of the said Bank, the Board of Directors of the said Bank shall consist of seven Directors only, and at that meeting seven Directors only shall be elected for the management of the affairs of the said Bank.

Local board at Toronto abolished.

2. Upon, from and after the said next annual general meeting of the shareholders of the said Bank, the local Board of Directors of the said Bank, heretofore existing at Toronto, shall be discontinued and abolished; and the functions heretofore exercised by the said local Board, shall thereafter be performed in such manner as shall be ordered by the b aws of the Bank.

Foregoing provisions subject to approval of shareholders.

3. Neither of the preceding sections of this Act shall have any force or effect unless approved at the next annual general meeting of the shareholders of the said Bank, or at some adjournment thereof, or at a special general meeting of the shareholders thereof called for the purpose of considering the same; and at any such meeting one of such sections only may be approved, if it be so determined by the shareholders, and shall have force and effect accordingly.

No. 52.

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

BILL.

An Act respecting the Consolidated Bank of Canada.

Received and read, first time, Monday, 17th March, 1879.

Second reading, Tuesday, 18th March, 1879.

PRIVATE BILL.

Mr. GAULT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1878.

No. 53. **BILL.** [1879.

An Act to amend the Act of Incorporation of the "Confederation Life Association."

Preamble. 34 V. c 54.

WHEREAS the "Confederation Life Association" have by their petition prayed that certain amendments should be made to their Act of Incorporation, thirty-fourth Victoria, chapter fifty-four and the Act thirty-seventh Victoria, chapter eighty-eight, amending the same, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sub-section 5 of section 13 repealed.

1. Subsection five of section thirteen of the said Act firstly cited, intituled "*An Act to incorporate the Confederation Life Association*" is hereby repealed, and the following inserted in lieu thereof:—

New sub-section.

"5. They shall also have power to charge the holders respectively of participating policies with losses to the extent to which they have been credited with profits during the current quinquennial period if the losses require it; but the holders of policies shall not as such be liable to any other or greater extent than expressed by the terms of their policies."

Section 21 amended; investment of funds.

2. Section twenty-one of the said Act of incorporation is hereby amended, by inserting after the word "Dominion" in the tenth line of the said section the words "or in or on the policies of the said Confederation Life Association or any one or more of them, or in or on the security of the said policies or any one or more of them whether assigned absolutely or conditionally or in the nature of a charge or mortgage thereon in their corporate name, or to any officer of the said Association or other person in trust for the said Association, or in or on the public consols, stocks, debentures, bonds, or other securities of the United Kingdom of Great Britain and Ireland, or the United States of America, or of any one of the said States; or in or on the municipal bonds, debentures or other securities of any city, town or county in the said United Kingdom of Great Britain and Ireland, or in any of the States of the United States of America;" and the said section shall be read and construed as if the said words were so inserted and were part of the said section; and the said section is further amended by inserting after the word "Association" in the twelfth line of the said section, the words "or trustees as aforesaid for the said Association," and the said section shall

be read and construed as if the said words were so inserted and were part of the said section.

Section 26 amended; payment of claims.

3. Section twenty-six of the said Act of Incorporation is hereby amended by inserting before the words "The Association," in the first line of that section the following words: "All, or any payments of any money made by the said Association in respect of their policies, or of the proceeds of their policies or dividends, or bonuses on stock, or otherwise to any person or persons being executor, administrator, guardian, tutor, trustee, curator, or other legal representative or representatives personal, or otherwise, of any policy-holder or stockholder, or other deceased person entitled according to the laws of the Province of the Dominion, or the State or country in which such policy-holder, stockholder or other person so deceased died, or in which his legal representative or representatives reside or shall be found for the time being, shall be good, valid and effectual payments; and all and every discharge, release, or receipt of any such executor, administrator, guardian, tutor, trustee, curator or other legal representative or representatives, personal or otherwise, in any Province of the Dominion, or other State or country as aforesaid, and according to the laws of such Province, State or country, shall be a good, valid and effectual discharge, release or receipt in all parts of the Dominion, or other State or country as aforesaid, and for all purposes, to discharge, release and exonerate the said Association, of and from all liability or claim in respect of the said moneys, or any part thereof so paid as aforesaid, although no probate or letters of administration or other authority has been obtained or proved in the Province of Ontario; and;" and the said section shall be read and construed as if the said words were so inserted and were part of the said section.

No. 53.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act of Incorporation of The Confederation Life Association.

Received and read, first time, Monday, 17th March, 1879.

Second reading, Tuesday, 18th March, 1879.

(PRIVATE BILL.)

Mr. COCKBURN,
(Northumberland)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1879.

No. 53.] **BILL.** [1879.

An Act to amend the Act of Incorporation of the "Confederation Life Association."

Reprinted as amended by the Select Standing Committee on Banking and Commerce.

Preamble. 34 V. c. 54,

WHEREAS the "Confederation Life Association" have by their petition prayed that certain amendments should be made to their Act of Incorporation, thirty-fourth Victoria, chapter fifty-four and the Act thirty-seventh Victoria, chapter eighty-eight, amending the same, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sub-section 5 of section 13 repealed.

1. Subsection five of section thirteen of the said Act firstly cited, intituled "*An Act to incorporate the Confederation Life Association*" is hereby repealed, and the following inserted in lieu thereof:—

New sub-section.

"5. They shall also have power to charge the holders respectively of participating policies with losses to the extent to which they have been credited with profits during the current quinquennial period if the losses require it; but the holders of policies shall not as such be liable to any other or greater extent than expressed by the terms of their policies."

Section 21 amended; investment of funds.

2. Section twenty-one of the said Act of incorporation is hereby amended, by inserting after the word "Dominion" in the tenth line of the said section the words "or in or on the policies of the said Confederation Life Association or any one or more of them, or in or on the security of the said policies or any one or more of them whether assigned absolutely or conditionally, or by assignment in the nature of a charge or mortgage thereon to the said Association in their corporate name, or to any officer of the said Association or other person in trust for the said Association, or in or on the public consols, stocks, debentures, bonds, or other securities of the United Kingdom of Great Britain and Ireland, or the United States of America, or of any one of the said States;" and the said section shall be read and construed as if the said words were so inserted and were part of the said section; and the said section is further amended by inserting after the word "Association" in the twelfth line of the said section, the words "or trustees as aforesaid for the said Association," and the said section is further amended by inserting after the word "thereof" in the twenty-fourth line of the said section the following proviso:

"Provided always, that any such investment made in the United Kingdom of Great Britain and Ireland, or in the United States of America, or any of the said States, shall not exceed the amount required to be invested in such country or state for the purpose of complying with the law, if any, of such country or state necessitating such investment, before the said Association can carry on business therein;" and the said section shall be read and construed as if the said words were so inserted and were part of the said section.

No. 58.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act of Incorporation of the Confederation Life Association.

(Reprinted as amended by the Select Standing Committee on Banking and Commerce.)

(PRIVATE BILL.)

Mr. COCKBURN,
(Northumberland.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1879.

54

An Act to amend "An Act respecting Police of Canada."

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

1. The first section of the Act passed in the thirty-first year of Her Majesty's reign, A. D. eighteen hundred and sixty-eight, chapter seventy-three, entitled, "*An Act respecting Police of Canada*," is hereby repealed, and the following section substituted therefor:—

"1. The Governor in Council may, from time to time, appoint by commission under the Great Seal one or more fit and proper persons to be and act as a Commissioner or Commissioners of Police within the Dominion of Canada, or in one or more of the Provinces, or Districts, or Territories of Canada, or within any one or more of the Districts or Counties in any Province, or District, or Territory, or within any temporary Judicial District, or any provisional Judicial District in Ontario."

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

"4. Every Commissioner of Police appointed under this Act shall, for the purpose of carrying out the criminal laws and other laws of the Dominion only, have and exercise within the limits of his jurisdiction, all the powers and authority, rights and privileges, by law appertaining to Justices of the Peace generally, and shall, within the limits of his jurisdiction within any Province, have, and exercise for the purpose aforesaid, all the powers and authority, rights and privileges by law appertaining to Police Magistrates of cities in the same Province; and shall, within the limits of his jurisdiction in any of the Territories or Districts of Canada, have and exercise for the purpose aforesaid, all the powers and authority, rights and privileges by law appertaining to Stipendiary Magistrates in the same District or Territory, and shall be subject in all respects, except as otherwise provided by this Act, to the regulations of the law of the Province, District, or Territory in which he may be acting, respecting Police Magistrates and the office of Justice of the Peace; but it shall not be necessary for any Commissioner of Police appointed under this Act to possess any property qualification, or to be actually resident within the Province, District or Territory, for which, or part of which, he may have been appointed."

beach, marsh, common, waste-land, open field, roadside or other undivided or unenclosed land, such person shall, on conviction thereof, forfeit and pay a sum not exceeding two hundred dollars.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 55. **BILL.** [1879.

An Act to provide against Infectious or Contagious Diseases affecting Animals.

WHEREAS it is expedient better to provide against the introduction and spread of Infectious or Contagious Diseases among animals: Therefore 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 "Cattle" means bulls, cows, oxen, heifers and calves; Interpretation of the word Cattle.

"Animals" means, except where it is otherwise expressed, cattle, sheep, horses, swine, goats and all other animals of whatsoever kind; Animals.

"Foreign Animals" means animals not already introduced within Canadian territory; Foreign animals.

"Infectious" means communicable in any manner whatever even at a distance; Infectious.

"Contagious" means communicable by close contact or inoculation. Contagious.

1. It shall be the duty of every cattle or farm stock owner, and of every breeder of or dealer in cattle or other animals, or of any one bringing foreign animals into Canada, on perceiving the appearance of infectious or contagious diseases among the cattle or other animals owned by him or under his specialc are, to give immediate notice thereof to the Minister of Agriculture, at Ottawa, of the fact or facts discovered by him as afresaid. Notice of disease to be given to Minister of Agriculture.

Negligence to comply with the present enactment shall entail upon the owner of the said diseased animals the penalty of not being entitled to nor granted any compensations for cattle or animals slaughtered in accordance with the provisions of this Act. Malicious or fraudulent concealment of the existence of disease among cattle or other animals shall subject the person so acting, on conviction thereof, to forfeit and pay a sum not exceeding two hundred dollars. Penalty for neglect. Or fraudulent concealment of disease.

2. If any person turn out, keep or graze any animal knowing such animal to be infected with or laboring under any infectious or contagious disorder, or having been exposed to infection or contagion, in or upon any forest, wood, moor, beach, marsh, common, waste-land, open field, roadside or other undivided or unenclosed land, such person shall, on conviction thereof, forfeit and pay a sum not exceeding two hundred dollars. Penalty for keeping diseased animals

Penalty for bringing such animals to market, &c.

3. Any person bringing or attempting to bring into any market, fair or other place, any animal known by him to be infected with or laboring under any infectious or contagious disorder, shall, upon conviction thereof, forfeit and pay for every such offence a sum not exceeding two hundred dollars.

For throwing carcass into rivers, &c.

4. Any person throwing or placing, or causing or suffering to be thrown or placed, into or in any river, stream, canal, navigable or other water, or into or in the sea, within ten miles of the shore, the carcass of an animal which has died of disease or been slaughtered as diseased, or suspected of disease, shall, on conviction thereof, forfeit and pay a sum not exceeding two hundred dollars.

For digging up any such carcass buried.

5. Any person who, without lawful authority or excuse digs up or causes or allows to be dug up a carcass buried of an animal having died or been suspected of having died from infectious or contagious disease, shall, on conviction thereof. forfeit and pay a sum not exceeding one hundred dollars.

Such animals if offered for sale to be seized and reported to the mayor, &c.

6. In case any animal infected with or laboring under any infectious or contagious disorder, be exposed or offered for sale, or be brought or attempted to be brought for the purpose of being exposed or offered for sale in any market, fair or other open or public place where other animals are commonly exposed for sale, then, and in any such case, it shall be lawful for any clerk or inspector, or other officer of such fair or market, or for any constable or policeman, or for any other person authorized by the mayor or reeve, or by any justice of the peace having jurisdiction in the place, or for any person authorized or appointed by the Governor, to seize the same, and to report the seizure to the mayor or reeve, or to any justice of the peace having jurisdiction in the place ; and it shall be lawful for such mayor, reeve or justice, to cause the same, together with any pens, hurdles, troughs, litter, hay, straw or other articles which he may judge likely to have been infected thereby, to be forthwith destroyed, or otherwise disposed of, in such manner as he shall deem proper, or as may be directed, as provided by this Act.

Who may cause them, with things supposed infectious, to be destroyed.

Railway companies to provide water and food for animals carried. Penalty for default.

7. Every railway company shall make a provision of water and food, or either of them, for animals carried or about to be carried on the railway of the company, and in default hereof, shall be guilty of an offence against this Act, and on conviction, shall forfeit and pay a sum not exceeding fifty dollars. The water and food so provided, or either of them, shall be supplied to any such animal by the company carrying it, on the request of any person in charge thereof, or of any inspector or person employed by the Minister of Agriculture. In the case of the allowing of an animal to remain without a supply of water for twelve consecutive hours, the consignor, or the person in charge of the animal, or the railway company, if it comes from the want of water being furnished by them, shall be guilty of an offence against this

How to be supplied

Penalty for notfurnishing for 12 hours.

Act, and on conviction thereof shall forfeit and pay a sum not exceeding fifty dollars.

Effect of foregoing sections.

8. The foregoing seven sections of this Act shall have their force and affect at all times, even in the absence of Orders in Council as hereinafter provided.

Governor in Council may prohibit importation of animals and certain articles.

9. The Governor may, from time to time, by Order in Council, prohibit the importation or the introduction into Canada, or any part thereof, or into any particular port or ports thereof, of cattle, sheep, horses, swine or other animals, or of flesh, hides, hoofs, horne or other parts of animals, or of hay, straw, fodder or other article either generally or from any place or places that may be named in such order, for such period or periods as he may deem to be necessary for the purpose of preventing the introduction of any contagious or infectious disorder among animals in Canada.

May make regulations for subjecting animals to quarantine, &c.

And for separation of diseased animals.

10. The Governor may, from time to time, by Order in Council, make such regulations for subjecting sheep, cattle, horses, swine or other animals to quarantine, or for causing the same to be destroyed upon their arrival into Canada, or for destroying any hay, straw, fodder or other article whereby it appears to him that infection or contagion may be conveyed, and generally may make such regulations with respect to the importation or introduction into Canada of animals, as he may consider to be necessary in order to prevent the introduction of any infectious or contagious disorder into Canada; and the Governor may also, by Order in Council, make such regulations as he may deem necessary for the keeping separate, treatment and disposal of, and dealing generally with animals affected with contagious diseases, or suspected of being so affected, and for the prevention of the spread of infectious and contagious diseases.

Forfeiture of animals imported contrary to Order in Council.

Penalty for attempting importation.

11. If any sheep, cattle, horse, swine or other animal be imported or introduced, or attempted to be imported or introduced into Canada, contrary to the provisions of any Order made in pursuance of this Act, the same shall be forfeited and may be forthwith destroyed, or disposed of, as the Minister of Agriculture, or person employed by him may direct; and everyperson importing or introducing, or attempting to import or introduce, any animal into Canada, contrary to the provisions of any such Order or regulation, shall be liable to a penalty not exceeding two hundred dollars for every animal so imported or introduced, or attempted to be imported or introduced by him.

Governor in Council may make regulations, for certain purposes, in order to prevent infection or contagion.

12. The Governor may, from time to time, by Order in Council, make such regulations as to him may seem necessary for the purpose of segregating and confining animals within certain limits, of declaring infected places, of establishing districts of inspection, or of quarantine and of prohibiting or regulating the removal to or from such parts of or places in Canada as he may designate in such order or regulations, of sheep, cattle, horses, swine or other

animals, or of meat, skins, hide, horns, hoofs, or other parts of any animals, or of hay, straw, fodder or other articles likely to propagate infection; and also for the purpose of purifying any yard, stable, outhouse or other place, or any wagons, carts, carriages, cars or other vehicles, or any vessels; and also for the purpose of directing how any animals dying in a diseased state, or any animals, parts of animals, or other things seized under the provisions of this Act, are to be destroyed or otherwise disposed of, and also for the purpose of causing notices to be given of the appearance of any disorder among sheep, cattle, horses, swine or other animals, and to make any other order or regulations for the purpose of giving effect to the provisions of this Act and again to revoke, alter or vary any such orders or regulations; and all provisions for any of the purposes aforesaid in any such Order in Council contained shall have the like force and effect as if the same had been inserted in this Act; and every person offending against the same shall, for each and every offence, forfeit and pay such sum, not exceeding two hundred dollars, as the Governor may, in any case, direct to be forfeited and paid for contravention thereof.

Purification of infected places, &c.

Disposal of diseased animals, &c.

Notice of disease.

Legal effect of such regulations.

Penalty for contravention.

13. The Governor may, from time to time, by Order in Council, cause to be slaughtered animals laboring under infectious or contagious disease and animals being, or having been, in contact with or close proximity to a diseased animal or to an animal suspected of infectious or contagious disease.

Slaughtering diseased animals.

14. The Governor may, by Order in Council, when the owners are reported by the Minister of Agriculture not guilty of any negligence or offence against the provisions of the first six sections of this Act, order a compensation to be paid to the owners of animals slaughtered under the provisions of this Act as follows: Where the animal slaughtered was affected by infectious or contagious disease, the compensation to be one-third of the value of the animal before it became so affected; but so that the compensation do not in any such case exceed twenty dollars. In every other case the compensation to be two-thirds of the value of the animal, but so that the compensation do not in any case exceed forty dollars. In all such cases the value of the animal is to be determined by the Minister of Agriculture; but if such owners or their representatives have been guilty of an offence against the six first sections of this Act, no valuation shall be made, and no compensation shall be paid to them.

Compensation to owners in certain cities.

Compensation limited.

Value to be determined by Minister.

Proviso.

15. The Governor in Council may, from time to time, by order, define the limits of ports, of infected places, and of other circumscriptions for the purposes of this Act, and appoint inspectors and other officers when deemed necessary.

Defining limits of ports, &c.

16. Orders in Council prohibiting the importation or the introduction of animals in the country, or establishing quarantines for animals, or declaring infected places, or ordering

Publication of Orders in Council.

the slaughtering of animals, shall be twice published in the *Canada Gazette*.

Duty of Inspectors and officers on information received.

17. Inspectors or other officers appointed as aforesaid, on receiving information of the supposed existence of any infectious or contagious disease among animals, shall proceed to the place mentioned with all practicable speed, and execute and discharge the duties relevant to their functions, pursuant to the regulations before mentioned and the instructions receivedby them.

Power to enter and examine suspected localities.

18. Any inspector or other officer appointed as aforesaid may, at any time, enter any common, field, stable, cowshed, or other premises within his district, where he has reasonable ground for supposing that any animal affected with infectious or contagious disease is to be found, for the purpose of this Act, but shall, if required, state in writing the grounds on which he has so entered:

Penalty for refusing admission.

2. If any person refuses admission to such inspector or officer acting under this Act, or regulations or orders passed in conformity with this Act, he shall be deemed guilty of an offence against this Act, and, on conviction thereof, shall forfeit and pay a sum not exceeding fifty dollars.

Inspector's certificate to be *primâ facie* evidence.

19 The certificate of an inspector or an officer as aforesaid to the effect that an animal is affected with an infectious or contagious disease shall, for the purposes of this Act, be *prima facie* evidence in all the Courts of Justice and elsewhere of the matter certified.

Notice to owners of places where disease is found.

20. Where an inspector finds infectious or contagious disease of animals to exist within his district, he shall forthwith make a declaration thereof under his hand, and shall deliver a notice under his hand of such declaration to the occupier of the common, field, stable, cowshed, or other premises where the disease is found; and thereupon the same, with all lands and buildings contagious thereto in the same occupation, shall become and be an infected place; and the same shall be an infected place until the determination and declaration of the Governor in Council relative thereto in this Act provided for:

Consequence of notice.

Report to Minister of Agriculture.

2. Where an inspector makes such a declaration of the existence of infectious or contagious disease of animals, he shall with all practicable speed send a copy thereof to the Minister of Agriculture; and if it appears that infectious or contagious disease exists as declared by the inspector, the Governor in Council, on the report of the Minister of Agriculture, may so determine and declare, and may prescribe the limits of the infected place;

Duty and power of Minister.

And of Governor in

but if it appears that it did not exist as declared by the inspector, the Governor in Council may so determine and declare, and thereupon the place comprised in the inspector's declaration, or affected thereby, shall cease to be an infected place.

Area of infectedlocality how defined.

21. The area of an infected place may, in all cases of a declaration by the Governor in Council, include any

common, field, stable, cowshed, or other premises in which infectious or contagious disease has been found to exist, such an area as to the Governor in Council seems requisite ; the Governor in Council may, from time to time, by order, extend the limits of an infected place beyondthe boundaries of the common, field, stable, cowshed, farm, or premises where cattle-plague is declared or found to exist ; and may from time to time curtail such limits.

Power of Governor in Council.

22. The area of an infected place may in any case be described by reference to a map or plan deposited at some specified place, or by reference to townships, parishes, farms, or otherwise.

How area may be defined.

23. An order of the Governor in Council, declaring a place to be an infected place, shall be conclusive evidence in all courts of justice and elsewhere of the existence of disease and other matters in which the order proceeds

Order in Council to be evidence.

24. Regulations and orders may be issued by the Governor in Council to prevent the removal of live animals, hide, skin, hair, offal of any animals, or any part thereof, the carcass or any remains of any animal, any dung of animals, and any hay, straw, litter, or other thing commonly used for or about animals, out of an infected place, without a licence signed by an inspector or other officer appointed as aforesaid.

Removal of animals, &c., without license, may be prevented.

25. If any animal, hide, skin, hair, wool, horn, hoof, offal, carcase, meat, dung, hay, straw, litter, or other thing is moved in contravention of the rules of this Act with respect to infected places, any person moving the same, or causing the same to be moved, shall be deemed guilty of an offence against this Act, and, on conviction thereof, shall forfeit and pay a sum not exceeding two hundred dollars.

Penalty for contravention.

26. The provisions of this Act with respect to infected places, shall not restrict the moving of any person, animal or thing by railway or other mode of transport on highways through an infected place, such person, animal or thing not being detained within the infected place, unless such transit is prohibited by the Order of the Governor in Council.

As to transit through infected places.

27. Any constable may apprehend any person found committing an offence against the provisions of this Act with respect to infected places, he shall take any person so apprehended, as soon as conveniently may be, before a justice of the peace to be examined and dealt with according to law ; and a person so apprehended shall not be detained in custody by any constable without the order of a justice longer than is necessary for bringing him before a justice, or than twenty-four hours at longest ; he may require that any animal or thing moved out of an infected place in contravention of those provisions be forthwith taken back within the limits of that place, and may enforce and execute such requisition.

Apprehension of persons offending against this Act and brought before a justice of the peace.

Duty and power of justice of the peace.

Declaring a place free from disease.

28. The Governor in Council may at any time, by order, declare any place to be free from infectious or contagious disease; and thereupon, as from the time specified in this behalf in the order the place shall cease to be an infected place.

Order in Council to supersede local order.

29. An order of the Governor in Council relative to an infected place shall supersede any order of a local authority inconsistent with it.

Power of Inspector declaring a place infected; extension of boundaries.

30. Where, under this Act, an Inspector makes a declaration which constitutes a place, an infected place he may also, if the circumstances of the case appear to him so to require, deliver a notice under his hand of such declaration to the occupiers of all lands and buildings adjoining thereto, any part whereof respectively lies within one mile of the boundaries of the infected place in any direction, and thereupon the provisions of this Act with respect to infected places shall apply and have effect to and in respect of those lands and buildings as if the same were actually within the limits of the infected place.

Penalty for entering where entrance is forbidden.

31. Where a person having cattle in his possession or keeping within the district wherein infectious or contagious disease exists, affixes at the entrance to a building or enclosed place in which such cattle are kept, a notice forbidding persons to enter into that building or place without his permission, then, if any person not having a right of entry or way into that building or place, enters into the same, or any part thereof, in contravention of the notice, he shall for every such offence be liable to a penalty not exceeding twenty dollars.

Duty of carriers to cleanse and disinfect vessels, carriages, &c. Penalty for neglect.

32. Every steamboat company, railway company, and other company, and every person carrying animals for hire to or in Canada, shall thoroughly cleanse and disinfect, in such manner as the Governor may from time to time by Order in Council direct all steamers, vessels, boats, pens, carriages, trucks, horse-boxes and vehicles used by such company or person for the carrying of animals:

Power of entry to inpect vessels, &c.

2. If any company or person on any occasion fails to comply with the requirements of any such Order in Council, such company or person shall, on every such occasion, be deemed guilty of an offence against this Act.

Or premises suspected. Penalty for refusing admission.

33. An inspector, or any officers authorized to execute this Act, may at all times enter on board any steamer, vessel or boat in respect whereof he has reasonable grounds for supposing that any company or person has failed to comply with the requirements of any such order, and on premises where he has reasonable grounds for supposing that any pen, carriage, car, vessel, truck, horse-box or vehicle, in respect whereof any company or person has on any occasion so failed is to be found, and if any company or person refuses admission to an inspector or other officer acting under this section, such company or person shall be deemed guilty of

an offence against this Act, and, on conviction thereof, shall forfeit and pay a sum not to exceed one hundred dollars.

Experimental treatmentand *post mortem* examination, &c., when allowable.

34. The Governor in Council may, notwithstanding anything in this Act, reserve for experimental treatment any animal ordered to be slaughtered under this Act, and the Minister of Agriculture may authorise any of his officers or persons employed by him to make *post-mortem* examination of animals having died or supposed to have died from infectious or contagious disease, and to dig up carcasses of such animals for the purpose of investigation.

Orders in Council.

35. The Governor in Council may from time to time make such orders as they think expedient for all or any of the following purposes :

Requiring notice.

For requiring notice of the appearance of any such disease among animals ;

Prohibiting markets, &c.

For prohibiting or regulating the holding of markets, fairs, exhibitions or sales of animals ; for slaughtering of animals as provided for by this Act ;

Proof as to animals imported. General power to make orders.

For requiring proof of the fact that animals imported into or passing through Canada shall not, at the time of their embarkation, have been brought from any place or locality where any contagious or infectious disease may at the said time be in existence ;

And, generally, any orders whatsoever which he may think it expedient to make for the better execution of this Act, or for the purpose of in any manner preventing the spreading of contagious or infectious disease among animals, whether any such orders are of the same kind as the kinds enumerated in this section or not.

Effect of orders.

36. Every such order shall have the like force and effect as if it had been enacted by this Act.

Proof of orders.

37. An order or regulation made or issued under this Act, or under any order of the Governor in Council, may be proved as follows :

By the production of a copy of a newspaper containing a copy of such order or regulation ; or,

By the production of a printed or other copy of such order or regulation issued to an inspector or other officer as aforesaid ;

Presumption as to orders.

And any such order or regulation shall, until the contrary is proved, be deemed to have been duly made and issued at the time at which it bears date.

Arrest of persons impeding execution of this Act.

38. If any person obstructs or impedes an inspector or other officer acting in execution of this Act, or of any order of the Governor in Council thereunder, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the inspector or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can conveniently be taken before a justice to be dealt with according to law.

39. For the purposes of proceedings under this Act, or any order or regulation of the Governor in Council, every offence against this Act, or any such order or regulation, shall be deemed to have been commited, and every cause of complaint under this Act, or any such order or regulation, shall be deemed to have arisen either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be. Where offences shall be held to have been committed.

40. The Act thirty-second and thirty-third Victoria, chapter thirty-seven, intituled "*An Act respecting Contagious Diseases affecting Animals*," is hereby repealed. 32, 33 V. c. 37 repealed.

41. All Orders and Regulations passed in virtue of the said Act thirty-second and thirty-third Victoria, chapter thirty-seventh, repealed, and any act done, or action entered, or right of action existing in virtue of the said Act, or Orders or Regulations shall continue in effect for the time prescribed by the said Act or the said Order, or until superseded by Orders passed under the present Act. But orders, &c., under this Act to continue in force until otherwise ordered.

42. When citing this Act, it shall be sufficient to call it "*The Animal Contagious Diseases Act*, 1879." Short title.

No. 55.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to provide against Infectious or Contagious Diseases affecting Animals.

Received and read, first time, Tuesday, 18th March, 1879.

Second reading, Wednesday, 19th March, 1879.

Mr. POPE,
(Compton)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 56.] **BILL.** [1879.

An Act to incorporate the Atlantic and North-West Railway Company.

Preamble.

WHEREAS the persons hereinafter mentioned, and others have by their petition, represented that they are desirous of obtaining a charter, incorporating them as a Company for the construction of a railway line from a point on the Atlantic coast, within the Dominion of Canada, to a port on Lake Superior, by way of Lake Megantic, Sherbrooke, Montreal, Ottawa, and French River, and to acquire by purchase, lease or amalgamation, any railway or portion of railway already constructed that may be useful as part of such railway line, and for other purposes in connection therewith, with all powers necessary therefor, and have prayed for the passing of an Act to that end, 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. Charles C. Colby, Edward T. Brooks, Duncan McIntyre, Andrew Robertson, John Pickard, Frank Killam, Peter White, Alonzo Wright, M. H. Gault, M. P. Ryan, William McDonald, Hugh McLeod, Robert Douall, John Rochester, John Poupore, Hugh Mackay and Charles H. Gould, Esquires, and the Honorable G. G. Stevens, the Honorable A. H. Gillmor, the Honorable Levi Ruggles Church and the Honorable Joseph Rosaire Thibaudeau, 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 "Atlantic and North-West Railway Company," and the words" The Company," when used in this Act, shall mean the Atlantic and North-West Railway Company hereby incorporated.

Corporate name.

Plans of bridges to be approved.

2. No bridge shall be erected by the Company over any navigable river, except according to plans previously submitted to and approved by the Governor in Council; and no bridge shall be built over the River St. Lawrence by the Company at any place below Windmill Point, to the southward of the mouth of the Lachine Canal, or at any place above the upper end of Isle aux Herons, between the Village of Lachine and the City of Montreal.

Object and powers of the company.

3. The Company and their agents and servants, may lay out, construct, equip, maintain and work a continuous double or single track iron or steel railway, and also a telegraph line throughout the entire length of such railway,

with the proper appurtenances, from a point on the coast of the Atlantic Ocean or Bay of Fundy, within the limits of the Dominion, to a port on the eastern side of Lake Superior, by way of Lake Megantic, Sherbrooke, Montreal, Ottawa, and French River; and for the purpose of making such railway line more direct, may construct, hold, acquire and maintain a part thereof across any part of the State of Maine, one of the United States of America. The said Company shall also have power and authority to build, own, and operate steam and other vessels in connection with the said railway.

Company may receive aid.

4. The Company may accept and receive from any government or municipality in Canada, or in the said State of Maine, a subsidy or subsidies in lands, money, bonds or securities, in aid of the construction of the said railway.

May acquire railways by purchase, lease or amalgamation.

5. The Company may acquire by lease or purchase, or by amalgamation with any other incorporated railway company or companies, any railway projected, in course of construction or constructed, either in the United States or in Canada, between the points or termini specified herein, or between intermediate points, and in case of such amalgamation, shall afterwards continue to be known by the said name, and shall be liable for all the debts, and shall do and perform all the contracts, stipulations and agreements which either of the amalgamated companies would have been liable to pay, or compellable to perform, if no such amalgamation had taken place; and the Company, after amalgamation, may have and exercise all the rights, privileges, powers and franchises which any or either of the amalgamated companies could, or might have, and exercise under their respective Acts of Incorporation; and such amalgamation may be effected in each case by a deed of agreement, made with the sanction and approval of the shareholders of both companies by resolutions passed at special meetings thereof respectively, called for the purpose, according to their respective Acts of Incorporation; and such deed of agreement shall only have full force and effect after a duplicate thereof shall have been deposited in the office of the Secretary of State for Canada; and from and after the date at which a notice of such deposit shall be published by the Secretary of State in the *Canada Gazette*; and the Company may make any contract by way of purchase or otherwise in respect of the stock, bonds or property of any such railway, in connection with such purchase or amalgamation, or for the purpose of facilitating the same.

Railway may be divided into sections.

6. The said line of railway hereby authorized to be constructed or acquired, as the case may be, may be divided into sections by a by-law to be passed by the Company in that behalf, each section to consist of not less than the entire portion of such railway lying between any two railways forming or intended to form part of the railway line hereby authorized, or than the whole of any railway projected, in course of construction or completed, forming or intended to form part of the line of railway hereby authorized.

7 The capital of the Company shall be one million dollars, and shall be divided into shares of one hundred dollars each, but may be increased from time to time by vote of the shareholders to an amount not exceeding ten million dollars. Capital stock and shares.

8. Charles C. Colby, Edward T. Brooks, Duncan McIntyre, M. T Drummond and the Honorable G. G. Stevens are hereby constituted a board of provisional Directors of the Company, and shall hold office as such until other Directors shall be elected under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to open stock-books and procure subscriptions for the undertaking, and to receive payment on stock subscribed. Board of provisional directors.

9. When and so soon as one-tenth part of the capital stock shall have been subscribed, and one-tenth of the amount so subscribed paid in, the said provisional Directors may order a meeting of shareholders to be called at such time and place as they think proper, giving at least two weeks' notice thereof in one or more newspapers published in the City of Montreal, and by a circular letter mailed to each shareholder, at which meeting the shareholders present in person represented or by proxy, shall elect nine Directors, in the manner and qualified as hereinafter provided, which Directors shall hold office until the first in in the year following their election. First meeting of shareholders.

10. On the said first in and on the first in in each year thereafter, at the principal office of the said Company in the City of Montreal, or at such other place in Canada as shall be fixed by the by-laws of the Company, there shall be held a general meeting of the shareholders of the Company for receiving the report of the Directors, transacting the business of the Company, whether general or special, and electing the Directors thereof. And at such meeting the said shareholders shall elect Directors for the administration of the affairs of the Company during the then ensuing year, in the manner and qualified as hereinafter provided, which Directors shall be nine in number unless and until their number shall be changed by by-law; and the number may from time to time be fixed by such by-law at not less than five nor more than fifteen; and public notice of such annual meeting and election shall be published for one month before the day of election, in one or more newspapers in the City of Montreal, and by a circular letter mailed to each shareholder; and the election of Directors shall be by ballot; and at all meetings of shareholders they may vote by proxy, such proxy to be held by a shareholder. Annual general meeting

11. A majority of the Directors shall form a quorum for the transaction of business, and the board of Directors may employ one or more of their number as a paid Director or paid Directors: Provided, however, that no person shall be elected unless he shall be the owner and holder of at least Quorum and qualification of directors.

twenty shares of the stock of the Company, and shall not be in arrear in respect of the calls thereon.

Municipalities granting aid may elect a director.

12. Any Municipal Corporation which shall give a bonus in aid of the said railway, or shall subscribe stock therein to an amount not less than twenty thousand dollars, shall be entitled, during the construction of the railway, but not afterwards, to appoint a person annually to be a Director of the Company, and such person shall be a Director of the Company, in addition to the other Directors authorized by this Act, or by the general Railway Act, or any other Act, but such Corporation shall incur no liability by the appointment of such Director.

Calls on stock

13 The Directors may from time to time make calls upon the shares of the capital stock of the Company in such proportion as they may see fit, not exceeding ten per cent. in any one call, nor at shorter intervals than thirty days; and thirty days' notice of such call shall be given to the shareholders in such manner as the Directors shall appoint.

Head office and branches.

14. The head office of the Company shall shall be at the City of Montreal, and the Company may also have offices elsewhere in Canada, and in London, England, and elsewhere; and the Company may, by by-law, change the head office of the Company from the City of Montreal to any other place in Canada.

Company may become party to promissory notes.

15. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the Company, and countersigned by the secretary and treasurer of the Company, 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 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 such promissory note or bill of exchange; nor shall the said president or vice-president or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors. as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Issue of bonds by the Company.

16. The power to borrow money conferred by the twelfth subsection of the seventh section of "*The Railway Act* 1868," may be exercised by the Company in the issue of bonds, under or without the seal of the Company, and made and signed by the president or vice-president of the Company and countersigned by the secretary, and with or without coupons; and such bonds shall without registration or

filing of the same, or formal conveyance, or instrument of hypothec, mortgage or pledge, or registration or filing of the same, be and be taken as a hypothec, mortgage and pledge, according to the rank and priority which may be therein mentioned, upon the railway and undertaking, or any section thereof; and upon the real and personal property, franchises, tolls and revenues of the Company then existing and thereafter to be acquired, or such portion thereof as shall appertain to such section; the whole as shall be declared in such bond, or in any mortgage deed executed for securing the same: and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders of bonds of the same issue, rank and priority upon the railway and undertaking, or such section thereof, and all and every the property of the Company hereinbefore mentioned, or such portion thereof as the case may be; but no liability shall be incurred under this section without the consent of a majority of the shareholders at a special general meeting to be called for the purpose.

To be consented to by shareholders.

17. The Company may secure such bonds by a deed of mortgage defining the property and revenues thereby mortgaged, and the rights, powers and remedies of the holders of such bonds, and of any trustee or trustees named in such deed, or whose appointment is thereby provided for, such rights, powers and remedies not to be inconsistent with the provisions hereof; and such rights, powers and remedies shall be valid and shall be effectually exercised and enforced, according to the terms of such mortgage deed.

Bonds may be secured by deed of mortgage.

18. The Company may issue guaranteed or preferred stock to such an amount, not exceeding ten thousand dollars per mile, as shall be authorized by the shareholders at any annual meeting or at any special general meeting thereof called for the purpose, notice of the intention to propose such issue at such meeting being given in the notice calling such meeting; but such stock shall not interfere with the lien, mortgage and privilege attaching to bonds issued under the authority of this Act.

Preferential stock may be issued.

19. The Company shall have power and authority to erect and maintain all necessary and convenient buildings, stations, depots, warehouses, elevators, wharves and fixtures, and from time to time to alter, repair or enlarge the same as the increasing traffic may require; and to erect docks, slips and piers at any point on or in connection with said line of railway, and at both termini thereof, for the convenience and accommodation of vessels and elevators; and shall, also, have full power and authority to connect any of the works herein mentioned with any point on the railway, by means of any line or lines of railway for such purposes.

Company may construct buildings, &c.

20. The Directors of the Company may enter into and conclude any arrangements with any other railway company of Canada or the United States, for the purpose of making or acquiring any branch or branches, to facilitate a connection

Arrangements with other railway companies.

between the company hereby incorporated and such other railway company, or to acquire the corporate property and franchises of such other company.

Additional land for snow-drift fences.

21. Notwithstanding anything contained in section nine of "*The Railway Act*, 1868." the Company may, under the provisions of the said Act, and with the powers thereby conferred, acquire and hold such width of land on the sides of the railway and its branches, at any point of the line, as may be needed for the erection of snow-drift fences or barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow and for quarries, ballast and borrowing pits.

Time for commencement and completion limited.

22. The powers given by this Act shall be exercised by the commencement of the said railway within three years after the coming into force of this Act, and its completion within ten years thereafter.

No. 56.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to incorporate the Atlantic and North-West Railway Company.

Received and read, first time, Thursday, 20th March, 1879.

Second reading, Friday, 21st March, 1879.

(PRIVATE BILL.)

Mr. COLBY,

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 57.] **BILL.** [1879.

An Act to make further provision in relation to Bank Holidays.

Preamble.

WHEREAS it is expedient to make further provision, as hereinafter set forth, in relation to Bank Holidays: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain days to be bank holidays.

1. In addition to the days named as bank holidays in the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, in the Act passed in the thirty-fifth year of Her Majesty's reign, and intituled "*An Act to amend the Act relating to Banks and Banking*," the first Monday in the months of June, July and August respectively, in each year, the twenty-sixth day of December if not a Sunday, and the twenty-seventh day of December in each year in which Christmas Day shall fall upon a Saturday, shall be observed as a holiday for the purposes of the said Act throughout Canada; and whenever the day which would otherwise be the last day of grace for the payment of any bill of exchange or promissory note, at any place in Canada, is any one of the said days, such bill or note shall be payable and the days of grace shall expire on the next following day not being a bank holiday, and not before.

Act to apply to all Canada.

2. This Act, and section eight of the Act aforesaid as hereby amended, shall extend and apply to all the Provinces of Canada, except only that the days therein named as legal holidays in the Province of Quebec only, shall not be bank holidays in any other Province.

No. 57.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to make further provision in relation to Statutory Holidays.

Received and read, first time, Thursday, 20th March, 1879.

Second reading, Friday, 21st March, 1879.

Mr. DOMVILLE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1879.

No. 58.] **BILL.** [1879.

An Act to amend "The Truro and Pictou Railway Transfer Act, 1877."

WHEREAS all parties interested in the transfer of the Pictou and Truro Branch Railway, provided for by "*The Truro and Pictou Railway Transfer Act*, 1877," have agreed to certain changes in the terms and conditions of such transfer, and it is expedient, for that reason, to amend and extend 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:— Preamble. 40 V. c. 46.

1. The transfer of the said Pictou Branch, and of such of the appurtenances thereof as are mentioned in the first section of the said Act (hereinafter called the Pictou Branch), shall be made to the Halifax and Cape Breton Railway and Coal Company, so soon as the contract for the construction and equipment of the extension line of railway from New Glasgow to the Strait of Canso (hereinafter called the "Eastern Extension"), and for the establishment of a Steam Ferry at the Strait of Canso, now existing between the Government of the Province of Nova Scotia and the said Company, or any modification thereof that may be agreed to by the said Government and the Company, shall have been completely performed to the satisfaction of the said Government. When the transfer shall be made.

2. The second and third sections of the said Act are hereby repealed. Repeal of ss. 2 and 3, 40 V. c. 46.

3. Such transfer of the said Pictou Branch shall be made upon the following condit ons: Conditions of transfer.

(*a*) That the said Company, its representatives or assigns, shall efficiently and continuously operate the said Pictou Branch and the said Eastern Extension and the said Ferry, to the satisfaction of the Lieutenant-Governor of the said Province, in Council at a fair and reasonable tariff of charges which shall be made and established from time to time by the said Company, subject to the approval of the said Lieutenant-Governor in Council and which tariff shall only be altered or amended with the assent and approval of the Lieutenant-Governor in Council; Operating the railway.

(*b.*) That in the event of the said existing contract, with any modification thereof as aforesaid, not being performed to the satisfaction of the Nova Scotia Government, or in the event of the failure of the said Company, its representatives Revestment in Government of Canada, on failure to

perform conditions of transfer.

or assigns, for a period of three months to operate the said Railways and Ferry efficiently and continuously, to wit. by running at least one passenger train over the whole line each way daily except Sundays, and such freight trains as may be sufficient for the conveyance of the freight offered for carriage,—and by running the Ferry in connection with the passenger trains,—then the said Pictou Branch shall, if it has not previously been transferred to the said Company, remain the property of the Government of Canada, free from any rights or interest of the said Company therein ; but if it has been so transferred, then it shall immediately by virtue of this Act revest in and become the property of the Government of Canada, free from any incumbrances of any kind whatsoever created by the said Company, its representatives or assigns, all of which incumbrances (if any) shall thereupon cease to have effect, and shall become extinct, saving, however, the right of the holders thereof as against the Company itself; and so soon thereafter as the said Eastern Extension and Ferry and appurtenances shall have become the property of of the Nova Scotia Government free from incumbrances, pursuant to the agreement in that behalf between the said Government and Company ; and if, or so soon thereafter as the Nova Scotia Government shall be authorized to carry out the conditions herein contained and on their part to be performed, the said Pictou Branch shall be transferred by the Government of Canada to the Nova Scotia Government, subject to the terms hereinafter set out

Transfer to Government of Nova Scotia on certain conditions.

As to creation of charges on the branch.

(*c.*) The power of the said Company, its representatives or assigns, to create upon the said Pictou Branch any charges, incumbrances or liens, is hereby made subject to the terms of this Act, but subject thereto the said Company may create such charges, incumbrances or liens thereon and on the revenues and appurtenances thereof, by the issue of mortgage bonds or otherwise, as they shall be authorized by the laws o the said Province to create on any other portion of their property, assets or revenues ;

How the default of the company may be proved.

(*d.*) The default of the Company within the intent and meaning of this Act, either in the completion, equipment and establishment of the said Eastern Extension Railway and Ferry, or in the continuous operation thereof as hereinbefore provided, shall be established in such manner as shall be agreed upon by the Government of Nova Scotia and the Company, or as shall be enacted by the Legislature of the said Province.

Arbitration in case of difference.

4. In case of any difference of opinion between the said Government and the Company as to any item of the tariff of charges to be made and established as aforesaid, or as to the non-performance of the said existing contract, or as to the failure of the Company to operate the said Railways and Ferry efficiently and continuously, as above provided for,—such difference shall be submitted for determination to the Minister of Public Works of Canada, and his decision shall be final and binding.

5. In the event of the said Eastern Extension and Ferry and appurtenances becoming the property of the Nova Scotia Government, as above mentioned, the said Pictou Branch shall be transferred to that Government, subject to the following conditions:— Terms of transfer to Government of N.S.

(*a.*) That if the said Eastern Extension and Ferry and appurtenances become the property of such Government before the same are completed, equipped and established, the said Government shall complete, equip and establish the same with all reasonable despatch Equipment of railway and ferry

(*b.*) That so soon as the same has been so completed, equipped and established, or if the same become the property of the Nova Scotia Government, after they have been completed, equipped and established,—the said Pictou Branch, Eastern Extension and Ferry shall be thereupon efficiently and continuously operated by the Nova Scotia Government, to the satisfaction of the Governor General in Council, at a fair and reasonable tariff of charges, which shall be made and established by the Nova Scotia Government, subject to the approval of the Government of Canada, and which shall only be altered or amended with the assent and approval of the said last-named Government. Operating railways and ferry.

(*c.*) In the event of the failure of the Nova Scotia Government to complete, equip and establish the said Eastern Extension and Ferry with all reasonable despatch, as above provided for, or in the event of their failure for a period of three months to operate the said Railways or either of them or said Ferry, efficiently and continuously in the manner hereinbefore described, the said two lines of Railway and the said Ferry shall thereupon become vested in and become the property of the Government of Canada, free from any incumbrance, charge or lien of any kind whatever created thereon either by the Government of Nova Scotia or by the Company, all of which incumbrances, charges and liens (if any) shall cease to have effect, and shall become extinct immediately upon the acquisition of the said Railways and Ferry by the Government of Canada, saving, however, the rights of the holders thereof as against the Company itself or the Nova Scotia Government, as the case may be. Provision in case of default by N.S. Government. Saving rights.

6. Any default in the continuous operation of the said Railways and Ferry, or of any of them, which may be charged against the Nova Scotia Government, shall commence and be computed from the date at which the Government of Canada shall give to the Provincial Secretary of the Nova Scotia Government a notice claiming that the said Railways, or either of them, or the said Ferry, are not, or is not, being efficiently or continuously operated as aforesaid: And any dispute between the two Governments as to forfeiture having been incurred, shall be decided by arbitration, as hereinafter provided. Computation of date of default. Arbitration in case of difference.

7. The Pictou Branch Railway and the appurtenances thereof shall be as described in the first section of the Act Extent of Pictou branch rail-

way and appurtenances defined.

hereby amended, but it is hereby declared that the right of property in the said Railway to be transferred to the said Company or to the Government of Nova Scotia, as the case may be, shall not extend, at the Truro end thereof, beyond the north-easterly boundary line of Princess street, in the town of Truro. But the Company, their representatives and assigns, shall have the right to run trains up to the freight and passenger stations at Truro for the interchange, reception and delivery of freight and passengers, with the use of the yard, turntable and station buildings, appertaining to the said station, excepting the engine-house and coal-houses; the whole subject to the rules and regulations of the Intercolonial Railway and the control of its officers, within the boundaries of its property.

Certain rights given to the company.

Arbitration in case of difference between the Dominion and N. S. Governments.

8. In case any difference arises between the Government of Canada and the Government of Nova Scotia or the Company, as to what property or rights are intended by or included in the description of the Pictou Branch and its appurtenances as contained in the first section of the Act hereby amended, or as to whether the limitation in the seventh section of this Act deprives the Company of any right to which it would be entitled under the heretofore existing legislation; and if so, as to the compensation which should be reasonably due to them for such deprivation, having regard to the value of any rights by the said seventh section granted to them, to which they would not be entitled under the heretofore existing legislation; or in case any difference arises between the two Governments as to forfeiture having been incurred under the provisions hereof, the matters so in dispute shall be referred to the award and determination of three arbitrators, one to be nominated by the Government of Canada, one by the Nova Scotia Government or the Company, as the case may be, and the third by the two so nominated; Provided always, that if either party should for one month after notice from the other that they have nominated an arbitrator, omit or refuse to nominate an arbitrator, or if the two nominated should omit or refuse to nominate the third, then in every such case the Chief Justice of the Supreme Court of Canada, or in his absence the Senior Puisne Judge thereof, may, on the application of either party, nominate the required arbitrator.

Vacancy of office of arbitrator. Nomination of successor.

In case of the death, resignation or refusal to act of any arbitrator, or if for any other cause the office of any arbitrator becomes vacant, his successor shall be nominated in the same manner as such arbitrator was nominated, unless the parties otherwise agree; and in case such successor be not, within one month after the happening of the event or vacancy, nominated by the party entitled to nominate him, then the Chief Justice or Puisne Judge as aforesaid may, on the application of either party, nominate such successor.

Time for award limited.

The arbitrators shall, within three months after the last appointment, proceed to determine the matters referred and as to the costs of the reference, and they or a majority of them shall make and publish their award within such three

months. Provided always, that the Chief Justice or any of the Judges of the Supreme Court of Canada may, on the application of either party, either before or after the expiration of such three months or of any extended time, from time to time extend the time for making such award; and the award of the said arbitrators or a majority of them shall be final.

Proviso: for extension.

9. And whereas the Company claim from the Government of Canada running powers over the Intercolonial Railway between Truro and Halifax, and also compensation for alleged deterioration of the Pictou Branch since the execution of the existing contract for the construction of the said Eastern Extension, and certain other privileges and rights in respect of the said Branch and its property, the provisions hereof shall not affect the said alleged claims which shall neither be held to be admitted nor waived by submission to the provisions hereof.

Act not to affect certain claims of the company.

10. This Act may be cited as "*The Truro and Pictou Railway Transfer Amending Act*;" and in any conveyance of the said railway by the Government of Canada to the Company or to the Government of Nova Scotia, as the case may be, it shall not be necessary to set forth any of the conditions hereof; but the same shall be held to be incorporated in such conveyance, provided it be set forth in such conveyance that it is made under the provisions of this Act.

Short title of Act; and embodiment of its conditions in conveyance.

No. 58

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the "Truro and Pictou Railway Transfer Act, 1877."

Received and read, first time, Friday, 21st March, 1879.

Second reading, Monday, 24th March, 1879.

Mr. TUPPER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 59.] **BILL.** [1879.

An Act to amend "The Railway Act, 1868," as respects Bridges over Railways and Railway Bridges over Canals or Rivers.

WHEREAS it is expedient to amend "*The Railway Act*, 1868," in the manner hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 31 V. c. 68.

1. The fourth sub-section of the tenth section of the said Act is hereby amended by adding at the end thereof, the following words: "And whenever a highway bridge or any other erection or structure shall hereafter be constructed over a railway, or whenever it shall become necessary to reconstruct any highway bridge, or other erection or structure now already built over a Railway, or to make large repairs to the same, the lower beams or members of the superstructure of any such highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed, or reconstructed and raised, at the cost of the Railway Company or of the municipality or other owner of the bridge, erection or structure, as the case may be, and shall at all times be maintained, at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then running or thereafter to run on the railway and the lower beams or members of such bridge or other erection; and thereafter, any Railway Company, before using higher freight cars than those running on their railway at the time of the construction or reconstruction of, or large repair to, such bridge or other erection or structure, shall after having first obtained the consent of the municipality, or of the owners of such highway bridge, or other erection or structure, raise the said bridge or other erection or structure, and the approaches thereto, at the cost and charges of the Railway Company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then used, or thereafter to be used, on the railway." Sect 10 sub. 4 amended. Highway bridges, &c., over railways to be made of a certain height above the top of the highest freight cars, and at whose expense. Provision in case of higher cars being used thereafter.

2. The fifty-fifth section of said Act is hereby amended by adding at the end of said section the following words: "No Railway Company shall, from and after the first day of 1879, be allowed to pass over any canal, or over the navigable channel of any river, without having first laid Section 55 amended. As to bridges over navigable rivers of Canada.

such proper flooring under and on both sides of their railway track over such canal or channel, as shall be deemed by the Minister of Public Works sufficient to prevent any thing falling from the railway into such canal or river, or upon the boats, or vessels, or craft, or persons navigating such canal or river.

No. 59.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend "The Railway Act, 1868," as respects Bridges over Railways and Railway Bridges over Canals and Rivers.

Received and read, first time, Friday, 21st March, 1879.

Second reading, Monday, 24th March, 1879.

Mr. TUPPER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 60.] **BILL.** [1879.

An Act to amend "*The Canadian Pacific Railway Act*, 1874."

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

1. Section sixteen of the Act of the Parliament of Canada, passed in the thirty-seventh year of Her Majesty's reign, chapter fourteen, intituled : "An Act to provide for the construction of the Canadian Pacific Railway," is hereby amended by adding at the end thereof the following words : Sect. 16 of 37 V. c. 14 amended.

"The Governor in Council may, at any time before or after "the construction of the said branch railway, make with "any company or companies or persons owning any portion "of a line of railway in the State of Minnesota which may "connect with the said branch railway, or with any other "company or person, such arrangement for leasing the said "branch railway on such terms and conditions as may be "agreed upon, such lease not to extend beyond the time "when the Canadian Pacific Railway from Thunder Bay to "Selkirk is opened for traffic ; and may also make such "other arrangements as may be deemed advantageous for "working the said branch railway in connection with any "line in the State of Minnesota connecting with the same "at the boundary line : Provided that no such contract for "leasing the said branch railway shall be binding until it "shall have been laid before both Houses of Parliament for "one month without being disapproved, unless sooner "approved by a resolution of each House, and no such other "arrangement shall be binding beyond the end of the then "next Session of Parliament unless it shall have been laid "before both Houses of Parliament for one month without "being disapproved, unless sooner approved by a resolution "of each House." Governor in Council may lease or make certain arrangements as to the Pembina Branch. Proviso : for approval of Parliament.

2. WHEREAS by agreement, dated the third day of August, A.D. 1878, made between Her Majesty of the first part, and George Stephen of the City of Montreal, Esquire, for and on behalf of himself and the other bondholders of the St. Paul and Pacific Railway Company, of the second part, certain arrangements respecting the working of the said branch railway are made, and for the avoidance of doubts it is expedient to confirm the same, and to enable Her Majesty to enter into arrangements with some person or company for the equipment and working of the said branch railway in lieu of Her Majesty under the said agreement : Therefore the said agreement is hereby confirmed ; and Her Majesty Recital of agreement of 3rd August, 1878. Agreement confirmed.

H. M. may make arrangements with any person for the equipment and working of the said branch railway.

may at any time, and from time to time during the continuance of the said agreement, make with any person or company such arrangements as may be thought proper for the equipment and working of the said branch railway by such person or company, in lieu of Her Majesty, under the said agreement, and for that purpose may grant to such person or company all authority and powers necessary to the efficient working of the said branch railway and to the carrying out of the arrangement which may be made.

No. 60.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

An Act to amend "The Canadian Pacific Railway Act, 1874"

Received and read, first time, Friday, 21st March, 1879.

Second reading, Monday, 24th March, 1879.

Mr. TUPPER.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1879.

No. 61.] **BILL.** [1879.

An Act to regulate Stock-Brokers and suppress Gambling in Stocks.

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

No broker to act unless licensed.

1. No stock-broker shall form part of any stock exchange or association, whether incorporated or not, nor shall act as such in any manner whatever, either in the sale or purchase of shares of any incorporated bank or mercantile corporation, debentures or public securities, whether Canadian, provincial, municipal or foreign, unless he is licensed as such by the Board of Trade of the place or nearest to the place where such broker carries on his business, which Board of Trade shall keep posted in a conspicuous manner within its building a list of brokers so licensed; and all contracts made by or by the intervention of a stock-broker not so licensed shall be absolutely null and void to all intents and purposes.

Names to be disclosed by broker.

And books to be kept.

2. Every stock-broker shall forthwith disclose to the party having contracted with him the full names of his principal, whether seller or buyer, and shall truly and fairly enter each and every contract for stocks or securities he shall make, in a book to be kept for that purpose in his office, and to be intituled "The Broker's Register," on the very day of making the same, with the Christian names and the surnames at full length of both the seller and buyer, the quantity and nature of the stocks or securities sold or bought, and the price of the same, and the terms of credit agreed upon, if any; and shall within twenty-four hours thereafter deliver a contract note to both buyer and seller, containing a true copy of the said entry, and shall, finally, upon demand made to him by either of the parties, produce and show such entry to manifest and prove the truth and certainty of such contract.

Broker not to deal in stocks on his own account.

3. No stock-broker shall be personally interested in any such contract, either as seller or purchaser, directly or indirectly; nor shall directly or indirectly operate, deal or speculate for his own account or profit on any stock exchange or elsewhere in such stocks or securities, either in his own name or by and through the agency of an intermediate party.

Proof of possession to be furnished.

4. No stock-broker shall make any sale of any such share, debenture or security, until he has satisfied himself, by the production of scrip or otherwise that his principal is *bonâ*

fide in possession thereof, and truly intends to transfer the same to the purchaser forthwith ; and all agreements for the future sale or delivery of such stocks or securities, of which the seller is not actually possessed in his own right, at the time of making such agreement, shall be absolutely null and void as to all parties and to all intents and purposes.

Brokerage limited.

5. No broker shall receive double brokerage or commission—that is to say from both seller and buyer—but from the seller or buyer employing him only, and in no case shall he demand or receive for his services any larger sum of money than the amount of the usual brokerage or commission.

Insolvent broker disqualified.

6. Every stock-broker, becoming insolvent, shall *ipso facto* become disqualified from acting as such, directly or indirectly, until he has obtained his discharge from his creditors ; and every stock-broker convicted of felony or fraud, in any court of competent jurisdiction shall likewise and forever be disqualified from acting as such broker.

Stock exchange to be open.

7. Every stock exchange or association shall be open and shall provide suitable accommodation for the public in the stock board-room or place where brokers generally meet to transact their business.

Contravention of Act, how punishable.

8. Every contravention of any of the provisions of this Act shall subject the offender to the forfeiture of his office and license, if he be a broker, and further to a penalty of *one thousand dollars* for every offence, payable one-half to Her Majesty and the other half to the private prosecutor, which said penalty or penalties shall be recoverable by distress of the goods and chattels of the defendant ; and, in case of their insufficiency, the offender may be imprisoned for a term not exceeding one year, as the court may order, upon a *qui tam* action to be prosecuted in the manner and form, and according to the laws of procedure in force in the Province in which the offence shall have been committed. The Court shall at the same time pronounce upon the forfeiture of office, if demanded by the action ; and every broker so deprived of his license, shall forever be disqualified from acting as such broker.

Punishment of aiders and abettors.

9. Every person who shall aid or assist in any manner or form, directly or indirectly, to defeat any of the provisions of this Act, shall be subject to the like penalty of *one thousand dollars* for each offence, payable and recoverable as hereinfore mentioned.

In suits all questions must be answered.

10. No person shall be excused from answering any question put to him in any suit taken under this Act, on the ground of any privilege, or that the answer to such question will tend to criminate him, but no such answer shall be used in any criminal proceeding against any such person, other than an indictment for perjury.

11. All moneys given or paid under any contract or agreement prohibited by this Act shall be recoverable by the person who shall so give or pay the same, provided the suit to that effect be brought within two years from and after the making of such contract or agreement. Moneys paid under prohibited contract recoverable.

12. This Act shall come into force thirty days after it receives Her Majesty's assent and not before. When Act shall come into force.

No. 61.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to regulate Stock-Brokers and suppress Gambling in Stocks.

Received and read, first time, Friday, 21st March, 1879.

Second reading, Monday, 24th March, 1879.

Mr. GIROUARD
(Jacques Cartier).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 61] **BILL.** [1879.

An Act to regulate Stock-Brokers and suppress Gambling in Stocks.

(*Reprinted as proposed to be amended before the Select Standing Committee on Banking and Commerce.*)

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

No broker to act unless licensed.

1. No stock-broker shall form part of any stock exchange or association, whether incorporated or not, nor shall act as such in any manner whatever, either in the sale or purchase of shares of any incorporated bank or mercantile corporation, debentures or public securities, whether Canadian, provincial, municipal or foreign, unless he is licensed as such by the Board of Trade of the place or nearest to the place where such broker carries on his business, which Board of Trade shall keep posted in a conspicuous manner within its building a list of brokers so licensed; and all contracts made by or through the intervention of a stock-broker not so licensed shall be absolutely null and void to all intents and purposes.

Names to be disclosed by broker.

And books to be kept.

2. Every stock-broker, upon completing any such contract, shall immediately communicate to the broker or other person acting in the making of such contract the full name of his principal, whether seller or buyer, and shall truly and fairly enter each and every contract for stocks or securities he shall make, in a book to be kept for that purpose in his office, and to be intituled "The Broker's Register," on the very day of making the same, with the Christian names and the surnames at full length of both the seller and buyer, the quantity and nature of the stocks or securities sold or bought, and the price of the same, and the terms of credit agreed upon, if any; and shall within twenty-four hours thereafter deliver a contract note to both buyer and seller, containing a true copy of the said entry, and shall, finally, upon demand made to him by either of the parties, produce and show such entry to manifest and prove the truth and certainty of such contract.

Broker not to deal in stocks on his own account.

3. No stock-broker shall be personally interested in any such contract, either as seller or purchaser, directly or indirectly; nor shall directly or indirectly operate, deal or speculate for his own account or profit on any stock exchange or elsewhere in such stocks or securities, either in his own name or by and through the agency of an intermediate party.

Proof of possession to be furnished.

4. No stock-broker shall make any sale of any such share, debenture or security, until he has satisfied himself, by the production of scrip or otherwise, that his principal is *bonâ fide* in possession thereof, and truly intends to transfer the same to the purchaser; and all agreements for the future sale or delivery of such stocks or securities, of which the seller is not actually possessed in his own right, at the time of making such agreement, shall be absolutely null and void as to all parties and to all intents and purposes.

Brokerage limited.

5. No broker shall receive double brokerage or commission—that is to say from both seller and buyer—but from the seller or buyer employing him only, and in no case shall he demand or receive for his services any larger sum of money than the amount of the usual brokerage or commission.

Contravention of Act, how punishable.

6. Every contravention of any of the provisions of this Act shall subject the offender to the forfeiture of his office and license, and further to a penalty of *one thousand dollars* for every such contravention or offence, payable one-half to Her Majesty and the other half to the private prosecutor, which said penalty or penalties shall be recoverable by suit in any Court having jurisdiction to the amount of such penalty, and by distress of the goods and chattels of the defendant, and, in case of their insufficiency, the offender may be imprisoned for a term not exceeding one year, as the Court may order, unless the penalty and costs be sooner paid. The Court shall at the same time pronounce upon the forfeiture of office, if demanded by the action; and every broker so deprived of his license, shall forever be disqualified from acting as such broker.

Punishment of aiders and abettors.

7. Every person who shall aid or assist in any manner or form, directly or indirectly, in defeating any of the provisions of this Act, shall be subject to the like penalty of *one thousand dollars* for each offence, payable and recoverable as hereinfore mentioned.

Insolvent broker disqualified.

8. Every stock-broker, becoming insolvent, shall *ipso facto* become disqualified from acting as such, directly or indirectly, until he has obtained his discharge from his creditors; and every stock-broker convicted of felony or fraud, in any court of competent jurisdiction, shall likewise and forever be disqualified from acting as such broker, and any person so disqualified who shall act as a broker pending such disqualification shall be guilty of a contravention of the provisions of this Act.

Stock exchange to be open.

9. Every stock exchange shall be open, and suitable accommodation for the public shall be provided in every stock board-room, or place where brokers meet to transact their business; and any person who shall aid or abet in excluding the public, or any individual whomsoever from any such exchange, stock board-room or place, without just cause, shall be guilty of a contravention of this Act.

10. No person shall be excused from answering any question put to him in any suit taken under this Act, on the ground of any privilege, or that the answer to such question will tend to criminate him, but no such answer shall be used in any criminal proceeding against any such person, other than an indictment for perjury.

In suits all questions must be answered.

11. All moneys, given or paid under any contract or agreement prohibited by this Act, shall be recoverable back by the person who shall so give or pay the same, provided the suit to that effect be brought within two years from and after the making of such contract or agreement.

Moneys paid under prohibited contract recoverable.

12. This Act shall come into force thirty days after it receives Her Majesty's assent and not before.

When Act shall come into force.

No. 61.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to regulate Stock-Brokers and suppress Gambling in Stocks.

Reprinted as proposed to be amended before the Select Standing Committee on Banking and and Commerce,

Mr. GIROUARD
(Jacques Cartier).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 62.] **BILL.** [1879.

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

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

1. The Act passed by the Parliament of Canada, in the thirty-sixth year of Her Majesty's reign, Chapter two, and intituled: "*An Act to render Members of the Legislative Counc ls 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,*" is hereby repealed. Act 36 V. c. 2, repealed.

No. 62.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to repeal "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, Monday, 24th March, 1879.

Second reading, Wednesday, 26th March, 1879.

Mr. OUIMET.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 63.] **BILL.** [1879.

An Act to grant certain powers to "*La Société Permanente de Construction du District d'Iberville.*"

Preamble.

WHEREAS *La Société Permanente de Construction du District d'Iberville* was, under the provisions of chapter sixty-nine of the Consolidated Statutes for Lower Canada, constituted a body corporate at the Town of St. John's, in the Province of Quebec, in the month of December, one thousand eight hundred and sixty-eight, by and under the said name, which it still bears; whereas, in the year one thousand eight hundred and seventy-two, by an Act passed by the Legislature of the Province of Quebec, thirty-sixth Victoria, chapter seventy-eight, further powers were conferred upon the said Society in relation to the investment of its surplus funds either in public securities or in bank stock, or as a loan to any person, whether a shareholder in the stock of the Society or not; whereas under the said lastly-cited Act and with the powers conferred by the said Consolidated Statutes for Lower Canada, the said Society has carried on and is still carrying on operations which are at once useful to the public and profitable to the shareholders of the Society; whereas it appears by an Act passed by the Parliament of Canada in the year one thousand eight hundred and seventy-seven, being fortieth Victoria, chapter fifty, that the said Society is within the jurisdiction of the Government of the Dominion, and cannot receive money on deposit or borrow upon debentures except upon the condition of having a paid-up capital of one hundred thousand dollars; whereas a paid-up capital of one hundred thousand dollars is not necessary and is too great for the requirements of the population of the district in which the said Society carries on business; whereas the said Society has, since its organization, carried on a safe business, profitable to its shareholders and useful to the public, and for the purposes of that business it only requires a paid-up capital of fifty thousand dollars; whereas the said Society has, by petition, prayed that it may be permitted, while retaining the powers conferred upon it by the said Act of the Legislature of the Province of Quebec, thirty-sixth Victoria, chapter seventy-eight, to carry on business with a paid-up capital of fifty thousand dollars; 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:—

Certain powers

1. It shall be lawful for *La Société Permanente de Construction du District d'Iberville*, having its place of business

granted to the Society.

in the Town of St. John's, in the Province of Quebec, to continue to exercise the powers conferred upon it by the Act of the Legislature of the Province of Quebec, thirty-sixth Victoria, chapter seventy-eight, and to continue to carry on business as heretofore, with a permanent subscribed and paid-up capital of fifty thousand dollars.

Certain provisions of 40 V. c. 50 not to apply.

2. Sub-section three of section two, and sub-sections one and four of section thirteen of the Act of the Parliament of Canada, fortieth Victoria, chapter fifty, shall not apply to *La Société Permanente de Construction du District d'Iberville.*

No. 63.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to grant certain powers to "*La Société Permanente de Construction du District d'Iberville.*"

Received and read, first time, Thursday, 27th March, 1879.

Second reading, Monday, 31st March, 1879.

(PRIVATE BILL.)

Mr. MOUSSEAU.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,

No. 64.] **BILL.** [1879.

An Act to amend the Act fortieth Victoria, chapter fifty-seven, respecting the Northern Railway Company of Canada.

WHEREAS it is expedient to amend the Act hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 40 V., c. 57.

1. The twelfth section of the Act of the Parliament of Canada passed in the fortieth year of Her Majesty's reign, intituled: "*An Act respecting the Northern Railway Company of Canada*," and being chapter fifty-seven, is hereby amended by striking out the word "one" and substituting the word "three" in the seventh line thereof, and by striking out the word "nine" and substituting the word "seven" in the ninth line thereof. Section 12 amended.

No. 64.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act fortieth Victoria, chapter fifty-seven, respecting the Northern Railway Company of Canada.

Received and read, first time, Thursday, 27th March, 1879.

Second reading, Monday, 31st March, 1879.

(PRIVATE BILL.)

Mr. WHITE,
(Cardwell.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1879.

No. 65.] **BILL.** [1879.

An Act to incorporate the Geographical Society of Quebec.

WHEREAS the persons hereinafter mentioned have, by petition, represented that they and others have founded and for over one year maintained an association under the name of the Geographical Society of Quebec, and that the objects of the society are the following, namely:—1st, To popularize and extend the study of geographical science, and of all the pursuits subsidiary to its advancement; 2nd, To study and make known the productive forces of Canada, and especially to bring forward its agricultural, forest, maritime, mineral, industrial and commercial resources, with a view to augment its riches and the well-being of its population; 3rd, To study the means of fresh water, maritime and land communication which it affords, and those of other countries, with a view to facilitate and extend commercial relations; 4th, To prosecute every kind of scientific study comprehended in geographical science, and which may enlarge the general knowledge of the earth and the forms, structure and relations of terrestrial objects and agencies; 5th, To open communication with the geographical societies of other countries, in order to profit by their researches and their labors, and to secure their co-operation in the work of the Association; 6th, To publish transactions annually or semi-annually, containing extracts of the minutes of proceedings at meetings, records of the work performed, papers, correspondence and other documents which may be deemed worthy of publication; 7th, To form a library consisting principally of geographical works and charts;—and whereas the said persons have prayed that for the better attainment of the said objects of the said society, the same may be incorporated; 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. Pierre Fortin, President, and Adolphe P. Caron, J. G. Blanchet, J. C. Coursol, P.V. Valin, S. J. Chalifour, Henri Delagrave and Theodore Robitaille, members of the association, and such other persons as now are or may hereafter become members of the said association under the provisions of this Act, and the by-laws made under the authority thereof, and their successors, shall be and they are hereby constituted a body politic and corporate, by the name of the "Geographical Society of Quebec," and may, by any legal title, acquire, hold and enjoy, for the use of the Association, any estate whatever, real or personal, and may alienate, sell and dispose Certain persons incorporated.

Corporate name and powers.

of the same, or any part thereof, from time to time and as occasion may require, and other estate, real and personal, may acquire instead thereof; Provided always, that the value of such estate, held at any one time, shall not exceed the annual sum of four thousand dollars.

Proviso.

As to property.

2. The corporation shall not hold any property except as aforesaid, and such as shall be derived from the following sources, that is to say: the life, annual and other subscriptions of members, donations, bequests or legacies made to the corporation, and such other moneys or property as may be acquired by and from the ordinary transactions of the corporation, or may now belong to the existing association, and the moneys arising from fines and forfeitures lawfully imposed by their by-laws: Provided always, that the Association shall sell any real estate acquired by them under the provisions of this section within five years after they shall have acquired the same, unless the same be required for the actual use of the Association, under the provisions of the next preceding section.

Proviso.

Officers and their duties.

3. The affairs and business of the corporation shall be managed by such officers and committees, and under such restrictions, touching the powers and duties of such officers and committees, as by by-laws in that behalf the corporation may from time to time ordain, and the corporation may assign to any of such officers such remuneration as they deem requisite.

By-laws may be made.

4. The corporation may make such by-laws, not contrary to law, as they shall deem expedient for the administration and government of the corporation, and may repeal or amend the same from time to time, observing always, however, such formalities as by such by-laws, or by the by-laws now in force, may be prescribed to that end, and generally shall have all the corporate powers necessary for the purposes of this Act.

Present by-laws continued.

5. The present by-laws of the said association, not being contrary to law, shall be the by-laws of the corporation hereby constituted until they shall be repealed or altered as aforesaid.

And present officers.

6. Until others shall be elected according to the by-laws of the corporation, the present officers of the association shall be those of the corporation.

Subscriptions and penalties.

7. All subscriptions and all penalties due to the corporation under any by-laws, may be recovered by suit in the name of the corporation; but any member may withdraw therefrom at any time, on payment of all amounts by him due to the corporation, inclusive of his subscription for the year then current.

Witnesses.

8. No person otherwise competent to be a witness in any suit or prosecution in which the corporation may be engaged, shall be deemed incompetent to be such witness by reason

of his being or having been a member or officer of the corporation.

Returns to Parliament.

9. The corporation shall be bound to make annual reports to the Governor-General and to both Houses of Parliament, containing a general statement of the affairs of the said corporation, which said reports shall be presented within the first twenty days of every Session of Parliament.

No. 65.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to incorporate the Geographical Society of Quebec.

Received and read, first time, Thursday, 27th March, 1879.

Second reading, Monday, 31st March, 1879.

(PRIVATE BILL.)

Mr. FORTIN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

1879.

No. 66] **BILL.** [1879.

An Act respecting the offices of Receiver-General and Minister of Public Works.

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

1. The following provisions of this Act shall come into and be in force on and after a day to be fixed by proc - mation under an order of the Governor in Council. When this Act shall come into force.

2. The Department of the Receiver-General shall no longer be a separate Department of the Civi Service of Canada, and the office of Receiver-General shall no longer be held by a separate member of the Government of Canada, but the Minister of Finance shall be also *ex-officio* Receiver-General, and shall as such, in addition to those of the Minister of Finance, have the powers and be charged with the duties which the Receiver-General now has or is charged with, and he shall have and be charged with such other duties generally as may be assigned to him from time to time by the Governor in Council; his name of office shall be "Minister of Finance and Receiver-General;" and the expression "Minister of Finance" or "Receiver-General," in the Act passed in the forty-first year of Her Majesty's reign, and intituled: "*An Act to provide for the better auditing of the Public Accounts*," or in any other Act or document, shall hereafter be construed and have effect as meaning the "Minister of Finance and Receiver-General." Department of Receiver-General merged in that of Minister of Finance. Duties and name of office. How terms in former Acts shall be construed.

3. The Deputy of the Minister of Finance shall, in addition to his present powers and duties, have the powers and be charged with the duties which the Deputy of the Receiver-General now has and is charged with, and shall be the Deputy of the Minister of Finance and Receiver-General, and the expression "Deputy Minister of Finance," or the expression "Deputy Receiver-General," in the Act last above cited, or in any such Act or document as aforesaid shall be construed and have effect as meaning the Deputy of the Minister of Finance and Receiver-General, and the separate office of Deputy-Receiver-General is abolished. Duties of Deputy of Minister of Finance. Separate office of R.-G. abolished.

4. The present Department of Public Works shall be divided into two departments, to be presided over and managed by two Ministers, each of whom shall be appointed by commission under the Great Seal of Canada, shall be a member of the Queen's Privy Council for Canada, and shall hold office Present Department of Public Works divided into two.

Official name of each Minister.

during pleasure; one of the said Ministers shall be designated as the "Minister of Railways and Canals," and the other as the "Minister of Public Works."

Department of Minister of Railways and Canals.

5. The Minister of Railways and Canals shall have the management, charge and direction of all Railways and works and property appertaining or incident thereto, and of all Canals, and works and property appertaining or incident thereto, which are or may be immediately before the coming into force of this Act, under the management and direction of the Department of Public Works, and to the same extent and under the same provisions, subject to those of this Act: and the Minister of Public Works shall have the management, charge and direction of all other public works and property which are or may be at the time aforesaid under the management and direction of the Department of Public Works, and to the same extent and under the same provisions, subject to those of this Act: and each of the said Ministers and the officers acting under him, shall as respects the works under his charge and direction and subject to this Act, have all the powers and duties which at the time aforesaid are or may become vested in or assigned to the Minister or Department of Public Works, and the officers acting under him or it, as to such works respectively and shall be deemed their successors in office, and shall be substituted for them respectively, and shall continue and complete any act or proceeding commenced by the now existing Department with respect to such works; Provided always, if at any time doubt should arise as to the Department to which any public work belongs under this Act, the question shall be decided by an order of the Governor in Council, and the works and property which shall belong to either department may from time to time be determined in like manner; and any such order may determine by which department any power now vested in the now existing Department shall be exercised; And the Governor in Council may at any time and from time to time by proclamation, transfer from the Department of Marine and Fisheries to the Department of Public Works, the construction and repair of light-houses.

Department of Minister of Public Works.

Powers and duties of Minister and officers of each Department.

Proviso: powers of Governor in Council in case of doubt.

Provision for transfer of lighthouses to Public Works.

Assignment of duties to officers by Governor in Council.

6. The Governor in Council may from time to time assign any of the several officers and employees of the Department, respectively, to either of the departments thereof hereby constituted, or may direct any one or more of the officers of the Department to act as an officer of both departments of the Departments under the direction of each of the said Ministers as respects the works under his management.

Deputy and officers of each department.

7. For each of the said departments the Governor may appoint a Deputy of the Minister, who shall be the chief officer of that Department over which the Minister is to preside, a Secretary for such department, and one or more Chief Engineers, a Chief Architect, and such other officers as may be necessary for the proper conduct of the business of such Department, all of whom shall hold office during pleasure; Provided that in case of the absence or inability

Proviso.

to act of the Secretary, the Minister may in writing authorize some other officer of the Department to act for the time in his stead.

Duties and powers of the Deputy of the Minister.

8. It shall be the duty of each Deputy, and he shall have authority (subject always to the Minister) to oversee and direct the other officers and servants attached to or employed in the business of that department for which he is appointed; he shall have the general control of the business of that department, and such other powers as may be assigned to him by the Governor in Council, and in the absence of the Minister, and during such absence, may suspend from his duties any officer or servant attached to such department, who refuses to obey his directions as such Deputy.

Duties of Secretary of each Department.

9. It shall be the duty of each Secretary, unless otherwise directed in any case by the Minister, to keep separate accounts of the monies appropriated for and expended on each public work or building under the management of the Minister of the department for which he is the Secretary; to submit such accounts to be audited in such manner as may be appointed by law, or by the Governor in Council; to have charge of all plans, contracts, estimates, documents, titles, models, and other like things relating to any such work or building; to keep proper accounts with each contractor or other person employed by or under the department for which he is Secretary; to see that all contracts are properly drawn out and executed; to prepare all certificates upon which any warrant is to issue; to keep minutes of all proceedings of the department; to prepare reports and to conduct, under the direction of the Minister, the correspondence of the department; and generally to do and perform all such acts and things pertaining to the business of the department as he may from time to time be directed to do and perform by the Minister; and a copy of any map, plan or other document in the custody of the Secretary, certified by him as a true copy, shall be held to be authentic, and shall be *primâ facie* of the same legal effect as the original in any Court or elsewhere.

Effect of Secretary's certificate.

Duties of Chief Engineer and Chief Architect.

10. It shall be the duty of each Chief Engineer, or Chief Architect to prepare maps, plans and estimates for all public works which are about to be constructed, altered or repaired by, or under the management of the Minister of the department to which he is attached; to report for the information of the Minister, on any question relating to any such public work which may be submitted to him; to examine and revise the plans, estimates and recommendations of other engineers, architects and officers touching any such public work, and generally to advise the Minister on all engineering or architectural questions affecting any such work: Provided always, that two or more persons may be appointed, each of whom shall act as Chief Engineer of either branch of the Department of Railways and Canals, with respect to such works or classes of works as the Governor in Council may from time to time direct.

Proviso as to Chief Engineers.

What writings shall bind the Department.

11. No deed, contract, documents or writing shall be deemed to be binding upon either Department, or be held to be the act of the Minister of such department, unless signed and sealed by him or his Deputy and countersigned by the Secretary, or person authorized to act for him as aforesaid.

Interpretation of expressions in former acts or documents.

12. The expression "the Department" or "the Minister" or "The Minister of Public Works" in the Act intituled "*An Act respecting the Public Works of Canada,*" or in any other Act or document, shall be construed as meaning that department, or the Minister of that department, charged with the management of the work with respect to which the power or duty mentioned in the provision in which such expression occurs, is to be exercised or performed; and either of the said Ministers may administer the oath of office to the official arbitrators or any of them; and generally the said Act and all other Acts and all documents, and the expressions used therein, shall be so construed as to give full effect to the provisions of this Act according to the intent thereof.

Act 41 V., c. 5, amended.

13. The second and third sub-sections of the first section of the Act of the passed in the forty-first year of Her Majesty's Reign, intituled "*An Act further securing the Independence of Parliament,*" shall be respectively amended by striking out the words "Receiver General," where they now occur therein, and inserting the words "and Receiver General" after the words "Minister of Finance," where they occur therein, and by inserting after the words "Minister of the Interior," the words "Minister of Railways and Canals:" and no person being then a Minister of the Crown, and a member of the House of Commons shall vacate his seat therein by reason of his accepting any office under this Act, within one month from the coming into force of this section: And the second section of the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled "*An Act andfor the re-adjustment of the salaries and allowances of the Judges other public functionaries and officers, and of the indemnity to the Members of the Senate and House of Commons,*" shall be amended by inserting after the words "The Minister of Finance" the words "and Receiver General," and by striking out the words and figures "The Receiver General, $7,000," and by inserting immediately after the words and figures "Minister of Finance $7,000," the words and figures "The Minister of Railways and Canals, $7,000," and the expression "Minister of Public Works," in the said Acts shall mean the Minister of the Department of Public Works hereby constituted.

Act 36 V., c. 31, amended.

First 7 sections of 31 V., c. 12, repealed: and in consistant enactments.

14. The first seven sections of the Act passed in the thirty-first year of Her Majesty's Reign, intituled "*An Act respecting the Public Works of Canada,*" and so much of the Acts hereinbefore cited, or of any other Act or law, as may be inconsistent with this Act, are and is hereby repealed.

No. 66.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act respecting the offices of Receiver-General and Minister of Public Works.

Received and read, first time, Thursday, 27th March, 1879.

Second reading, Friday, 28th March, 1879.

Mr. TUPPER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

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An Act Respecting Census and Statistics.

WHEREAS it is expedient to establish and permanently to organize the taking of the census and the collection and publication of statistics: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. A Census shall be taken in the year 1881, and then in very tenth year thereafter, at the beginning of the year 1881 and at the beginning of every tenth year thereafter.

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

3. Each census shall be so taken as to ascertain with the utmost possible accuracy, in regard to the various territorial divisions of the country,—their population and the classification thereof, as regards age, sex, social condition, religion, education, race, occupation, and otherwise,—the houses and other buildings therein, and their classification as dwellings, inhabited, uninhabited, under construction, and otherwise,—the occupied land therein, and the condition thereof, as town, village, country, cultivated, uncultivated, and otherwise,—the produce, state, and resources of the agricultural, fishing, lumbering, mining, mechanical, manufacturing, trading and other industries thereof,—the municipal, educational, charitable and other institutions thereof,—and whatever other matters may be specified in the forms and instructions to be issued, as hereinafter is provided.

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

5. The Governor in Council, by Proclamation, shall divide the country into census districts, and each census district into sub-districts, to correspond respectively, as nearly as may be, with the electoral divisions and sub-divisions of the time being, and in territories not so defined or so situated as to permit to adhere to circumscriptions already established, into special divisions and sub-divisions for the purpose of the census.

6. The Governor in Council shall appoint census officers, census commissioners, and other employees who may be necessary for the taking of each census, with such relative powers and duties and such emoluments as shall be laid down for each census by Order in Council.

7. There shall be appointed, by or under authority of the Minister of Agriculture, in such manner and subject to such rules in that behalf as shall be laid down by Order in Council, one or more enumerators for every census subdistrict; and in every case where more than one enumerator is appointed, the powers and duties of such enumerators shall be such as the instructions of the Minister of Agriculture shall assign to each, whether territorially or otherwise

8. The Census Officers and Commissioners shall be entrusted, under direction and instruction of the Minister of Agriculture, with superintending the work done by the enumerators, and shall see that all those under their superintendence thoroughly understand the manner in which the duties required of them are to be performed, and use due diligence in the performance thereof.

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

10. The Census Commissioner shall examine all such records, and satisfy himself how far each enumerator has performed the duties required of him,—and shall note all apparent defects and inaccuracies in such records,and require the several enumerators concerned therewith, to assist him in respect thereof,—and with their assistance shall correct the same so far as may be found requisite and possible, noting always whether such corrections are concurred in by them or not, and shall make return,—attested under oath, of his doings in the premises,—and shall transmit the same, together with all the records in question, to the Minister of Agriculture; the whole, in all respects, as by the forms and instructions issued to him shall be required.

11. The Minister of Agriculture shall cause all such returns and records to be examined, and any defects or inaccuracies discoverable therein to be corrected so far as possible,—and shall obtain, so far as possible, by such ways and means as may be deemed convenient, any statistical information requisite for the due completion of the census,

which cannot be or is not obtained with the required fullness and accuracy by means of such returns and records,—and shall cause to be prepared, that the same may be laid before Parliament, with all practicable despatch, abstracts and tabular statements shewing the results of the census as fully and accurately as possible.

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

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

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

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

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

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

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

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

20. Any document or paper, written or printed, purporting to be a form authorized for use in the taking of the census, or to set forth any instructions relative thereto,

which is produced by any person employed in the execution of this Act, as being such form, or as setting forth such instructions, shall be presumed to have been supplied by the proper authority to the person so producing the same, and shall be *primâ facie* evidence of all instructions therein set forth.

21. The leaving, by an enumerator, at any house or part of a house, of any schedule purporting to be issued under this Act, and having thereon a notice requiring that the same be filled up and signed within a stated delay by the occupant thereof, or in his absence by some other member of the family, shall be a sufficient requirement as against such occupant, though not named in such notice, nor personally served therewith, so to fill up and sign such schedule.

The Minister of Agriculture shall cause to be prepared one or more tables, setting forth the rates of allowances or remuneration for the several Census Commissioners and Enumerators emeployed in the execution of this Act, not, however, to exceed, in the aggregate, a total amount of three dollars for each day of proved effective service for any enumerator, or of four dollars for each day of like service for any Census Commissioner; and the same, when approved by Order in Council, shall be laid before Parliament within the first fifteen days of the Session next ensuing.

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

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

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

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

24. The appointments, employments, or service under this Act concerning census shall not be subject to the statutory requirements affecting the Civil Service.

25. The Minister of Agriculture shall, 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 purpose of collecting, abstracting, tabulating and publishing vital, agricultural, commercial, criminal and other statistics; 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.

26. It shall be the duty of the Minister of Agriculture when, and so soon as the said Rules, Regulations and Forms have been assented to and published in the *Canada Gazette*, as prescribed in section *twenty-five* of this Act, and the arrangements contemplated by section *twenty-eight* of this Act have been consummated to proceed to collect the said vital, agricultural, commercial, criminal and other statistics, in such ways and manner as may be found most practicable, and thereafter, when and so often as it may seem to the said Minister that the statistics collected are of sufficient value and authenticity to render their publication advantageous, to cause the same to be published in such form and mode as the Governor General in Council may prescribe.

27. The Governor in Council may, on the Minister of Agriculture 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 at the notice given to them by the Minister of Agriculture, when such portion of the statistical labours for which they were so engaged, and to which they had been employed, is terminated.

28. Whenever in any Province or territory any system is established or any means exist of collecting vital, agricultural, commercial, criminal or other statistics, the Minister of Agriculture may be authorized by the Governor in Council to arrange with the Government of such Province or territory, or with the organization so possessed of such system for the collection and transmission of such information as may be required by schedules prepared by the Minister of Agriculture, and approved by the Governor in Council, for the procuring of such vital, agricultural, commercial, criminal and other statistics.

29. The Minister of Agriculture may, in collecting statistics, as and in the manner provided by this Act, call upon any and all public officers to furnish to him copies of papers and documents and such information as lie respectively in the power of such officers to furnish, with or without compensation for so doing, as may be regulated from time to time by order or orders of the Governor in Council

30. The Minister of Agriculture may cause to be abstracted and tabulated in a concise form, for easy reference, such information on various subjects susceptible of being represented by figures, as may be contained in the Departmental or other public reports and documents.

31. The Governor in Council may authorize the Minister of Agriculture to cause special statistical investigations, as regards subjects, localities or otherwise, to be made in the manner and by means which may be prescribed in such authorization of the Governor in Council.

32. The Minister of Agriculture shall cause all statistical information obtained to be examined, and any omissions, defects or inaccuracies discoverable therein, to be supplemented and corrected as far as practicable.

33. Any false information wilfully given, and any deception practiced in furnishing information provided for by this Act, shall be an offence against this Act ; and the person so offending shall, on conviction of such offence, forfeit and pay a sum not exceeding two hundred dollars.

34. The Minister of Agriculture shall insert in his annual report, reports of the proceedings under this Act, including copies of the rules and regulations made under section *twenty-five* thereof. The Minister of Agriculture shall cause the information collected in virtue of this Act, and under rules and regulations hereinbefore provided, to be compiled and tabulated, and the abstracts then made to be published at as early a date after the reception of the information as the nature and magnitude of the work and the force of the staff provided for it may allow. The Minister of Agriculture may also cause to be added to such returns, such proportions, ratios and other statistical deductions as may be drawn from the information obtained in virtue of this Act.

The respective salaries of officers, clerks and other employees, who may be appointed in virtue of this Act, the fees or compensations to be paid for obtaining information as provided by sections *twenty-eight* and *twenty-nine* of this Act, and the office and other contingent expenses necessary for the purposes of this Act, shall be fixed by the Governor in Council, to be paid out of any moneys which may be provided by Parliament for that purpose.

35. The Act thirty-third Victoria, chapter twenty-one, intituled *An Act respecting the first Census*, as amended by the Act thirty-fourth Victoria, chapter eighteen, intituled *An Act to amend the Census Act*, and the thirty-ninth Victoria, chapter thirteen, intituled *An Act to make provision for the Collection and Registration of the Criminal Statistics of Canada*, are hereby repealed; nevertheless provided that the last-mentioned Act thirty-ninth Victoria, chapter thirteen, shall remain in its force and effect so long as it is not made to terminate by a Proclamation of the Governor stating that provisions have been made for the collection of criminal statistics, in accordance with the requirements of this Act.

36. When citing this Act it shall be sufficient to call it *The Census and Statistics Act*

No. 68.] **BILL.** [1879.

An Act to incorporate "the Calais and St. Stephen Railway Bridge Company."

Preamble.

WHEREAS W. H. Boardman, Charles H. Newton, William Duen, Ephraim C. Gates, and George A. Lowell have by their petition prayed that they and others may be incorporated for the purpose of building a Railway Bridge across the St. Croix River, at or near the Town of St. Stephen, in the Province of New Brunswick, and the City of Calais, in the State of Maine, one of the United States of America; and whereas the building of the said bridge would be a work for the general advantage of Canada, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The Calais and St. Stephen Railway Bridge is hereby declared to be a work for the general advantage of Canada.

Certain persons incorporated.

2. Freeman H. Todd, Henry F. Eaton, Robert Watson, George M. Porter, Zachariah Chipman, Charles H. Newton, William Duen, Ephraim C. Gates, Wm. H. Boardman, A. H. Sawyer, and George A. Lowell, and such other persons and corporations as shall become shareholders in the Company hereby incorporated, their heirs, successors, administrators and assigns, shall be and are hereby constituted a body corporate and politic, by the name of the "Calais and St. Stephen Railway Bridge Company."

Corporate name.

Railway Act to apply.

3. "*The Railway Act*, 1868," is hereby incorporated with this Act, and shall form part hereof and be construed herewith as forming one Act.

Powers of the Company.

4. The Company hereby incorporated shall have full power and authority, under this Act, to construct, maintain, work and manage a railway bridge across the St. Croix River, from some point between the New Brunswick and Canada Railroad Engine House and the Passenger Depot in St. Stephen to the boundary line of the Province of New Brunswick, to connect with a bridge from the City of Calais.

Power to take lands.

5. The Company shall have full power and authority to purchase, acquire, take and hold all such lands, lands covered with water, beaches, and other property, as may be necessary for the purpose of constructing the said bridge or for the convenient using of the same, and also for the construction and using of such branch railway, not exceeding

one mile in length, as may be necessary to make connections or to approach the said bridge, and to use any of the public highways for the purpose of constructing and working the same, or any of them, with the consent of the Municipal Council having jurisdiction over such highway.

Provisional Directors.

6. The persons named in the second section are constituted the Board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act, and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

All shareholders to have equal rights.

7. All shareholders in the said Company, whether British subjects or aliens, or residents, or corporations in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and shall be equally eligible to office in the said Company.

Capital stock.

8. The capital stock of the said Company shall be twenty thousand dollars, divided into shares of one hundred dollars each, with power to increase the same to seventy-five thousand dollars.

First meeting of shareholders.

9. So soon as five thousand dollars of the said capital stock shall have been subscribed, as aforesaid, and ten per cent. *bona fide* paid thereon, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the shareholders of the said Company, at such time and place as they may think proper, giving at least two weeks' notice thereof, at which meeting the shareholders shall elect seven Directors from the shareholders, which Directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided.

Annual general meeting.

10. The annual general meeting of the shareholders shall be held at such place and time as shall be fixed by by-law of the Company, and notice thereof shall be given, as provided in the next preceding section.

Height of Bridge.

Draw.

11. The said bridge shall be constructed at a height of four feet above high-water level, and shall have a draw in the main channel of the river, which draw shall be sixty feet wide in the clear.

Bridge may be leased.

12. It shall be lawful for the said Company to enter into any agreement with any railway or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge, branch railway and other works or any of them, or the entire or partial use thereof at any time or times, or for any period, to such railway or railroad companies, and generally to make any

agreement or agreements with any such company or such companies, touching the use by one or the other or others of the bridge or branch railway or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor, and any such railway or railroad company or companies may agree for the loan of its credit (either by direct guarantee or traffic contract or otherwise) to, or may subscribe to, or become the owner of the stock of the Company hereby created, in like manner, and with like rights as individuals; and any agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof, and any company accepting and executing such lease, shall be and is empowered to exercise all the rights and privileges in this charter conferred, subject to the limitations and reservations (if any) in such agreement or lease expressed.

Agreement to be binding.

13. When the said railway bridge is completed and ready for traffic, all cars of all railways or railroads terminating at or near the Town of St. Stephen, aforesaid, or in the State of Maine, at or near the City of Calais, now constructed, or hereafter to be constructed (including the cars of any other railway company which may be brought over such railways), shall have the right to be hauled and forwarded over the said bridge at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff for such transportation shall be made in favor of or against any railway or railroad whose cars or business may be forwarded over the bridge.

No preference to any particular Railway

14. In case of any disagreement, and as often as the same may arise, as to the rights of any railroad or railway, whose cars or business shall pass over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators—one to be appointed by the Company hereby incorporated and another by the Company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by the Supreme Court of the Province of New Brunswick, upon application to such Court,—due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them, shall be final: Provided that the terms of the said award shall not be binding for a longer term than five years.

Differences, how settled.

Proviso.

15. At all meetings of the stockholders of the Company hereby incorporated, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy, and the Directors of the said Company may also at any meeting of the Board vote by proxy, such proxy to be held by another Director: Provided that no more than two proxies shall be held by one Director of the other Directors, and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Votes on stock.

Proviso.

Power to the Company to amalgamate with another.

16. It shall be lawful for the said Company to unite, amalgamate, and consolidate its stock, property and franchises with the stock, property and franchises of any other company, incorporated, or which may be incorporated by the laws of the State of Maine, one of the United States of America, for a similar purpose with the Company hereby incorporated, and to enter into all contracts and agreements therewith, necessary to such union and amalgamation.

Proceedings for such purpose.

17. The Directors of the Company hereby incorporated, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the Directors and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when, and for how long, Directors and other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof.

Agreement to be submitted to shareholders.

18. Such agreement shall be submitted to the stockholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices, addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail, at their last known post office address or place of residence, and also by a general notice to be published in a newspaper published in the Town of St. Stephen, and in the City of Calais, once a week for two successive weeks. At such meetings of stockholders, such agreement shall be considered and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy; and if two thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each of such corporations, under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted, and of the said certificates thereon, shall be filed in the office of the Secretary of State of the Dominion of Canada, and the other in the office of the Secretary of State of the State of Maine, and the said

agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

Powers of consolidated corporation.

19. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united.

All property of several corporations transferred to new corporation.

20. Upon the consummation of such act of consolidation, as aforesaid, all and singular the property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock subscriptions, and other debts, due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed: Provided however, that all rights of creditors and liens upon the property of either of such corporations, shall be unimpared by such consolidation, and all debts, liabilities and duties of either of the said corporations, shall thenceforth attach to the new corporation and, be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Proviso; existing rights saved.

Proviso.

Limitation of time.

21. The said railway bridge shall be commenced within three years and completed within seven years from the passing of this Act.

No. 68.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to incorporate "The Calais and St. Stephen Railway Bridge Company."

Received and read, first time, Friday, 28th March, 1879.

Second reading, Monday, 31st March, 1879.

Mr. BURPEE,
(Sunbury).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

69

An Act further to amend the Act incorporating The London and Canadian Loan and Agency Company (Limited).

WHEREAS The London and Canadian Loan and Agency Company (Limited), incorporated by the Act of the Legislature of the late Province of Canada, passed in the twenty-seventh year of Her Majesty's reign, chapter fifty, amended by an Act of the Parliament of Canada, passed in the thirty-fifth year of Her Majesty's reign, chapter one hundred and eight, and further amended by an Act of the Parliament of Canada, passed in the thirty-sixth year of Her Majesty's reign, chapter one hundred and seven, have, by their petition, prayed to have their Act of Incorporation amended and further powers and privileges 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:

1. If the interest of any person or persons in any share or shares in the capital stock, or in any bond, debenture or obligation of the said Company, authorized by the fifth section of the said Act passed in the twenty-seventh year of Her Majesty's reign, chapter fifty, such bond, debenture or obligation not being payable to bearer, hath become, or shall become transmitted in consequence of the death, or bankruptcy or insolvency of any such holder in consequence of the marriage of a female holder or by any other lawful means other than a transfer upon the books of the Company as in the said Act and amending Acts provided, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the Company, or to recognize such transmission in any manner until a declaration in writing, authenticated in such manner as the directors may require, shewing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former shareholder, if living and having power to execute the same, shall have been fyled with the manager of the Company, and approved by the directors; and if such declaration purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a Notary Public, or of a Judge of a Court of Record, or of a Mayor of any city, town or borough or other place, or a British Consul or Vice Consul, or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to such

declaration, and unless the directors are not satisfied with the responsibility of the transferee, or other conditions of the said Act and amending Acts are not complied with, shall allow the name of the party claiming by virtue of such transmission to be entered in the books of the Company.

2. If such transmission has taken place or shall hereafter take place by virtue of any testamentary Act or instrument, or in consequence of an intestacy, the probate of the will, or letters of administration, or act of curatorship, or testament testamentary, or testament dative expede, or other judicial or official document under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased, shall purport to be granted by any court of authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's Dominions, or in any foreign country, or an authenticated copy thereof, or official extract therefrom, shall, together with the said declaration, be produced and deposited with the manager ; and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation, or share, or transferring, or consenting to the transfer of any bond, debenture or obligation, or share, in pursuance of, and in conformity to such probate, letters of administration or other such document as aforesaid.

3. Whenever in any of the above cases or otherwise whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, bonds, debentures, obligations, dividends, coupons or the proceeds thereof, then and in such case it shall be lawful for the Company to fyle in any one of the superior courts of law, or in the Court of Chancery, in the Province of Ontario, a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures or obligations, dividends, coupons, or proceeds to the party or parties legally entitled to the same ; and such court shall have authority to restrain any action, suit or proceeding against the Company, the directors or officers thereof, for the same subject, matter pending the determination of the said petition ; and the Company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon. Provided always that if the Court adjudges that such doubts were reasonable the costs, charges and expenses of the Company in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures or obligations, dividends, coupons or proceeds, and shall be paid to the said Company before the Company shall be obliged to transfer or assent to the transfer, or to pay such shares, bonds,

debentures or obligations, dividends, coupons, or proceeds to the party or parties found entitled thereto.

4. The sixth section of the said Act, twenty-seventh Victoria, chapter fifty, is hereby amended by inserting after the word "investment" the words "or which they may have acquired or may acquire in exchange for any such real estate," and by adding after the word "lease" the following words, "exchange for other real estate or mixed consideration."

No. 70.] **BILL.** [1879.

An Act to remove doubts as to the true intent and meaning of certain provisions of "The Canada Temperance Act, 1878."

WHEREAS it is provided by "*The Canada Temperance Act*, 1878," that as to every municipality within the limits of the late Province of Canada, in which a by-law passed and approved or adopted, and passed under the authority and for the enforcement of the Temperance Act of 1864, is at the time of the passing of the said "*The Canada Temperance Act*, 1878," (*a*) in force, or (*b*) only not in force for want of delivery of a copy thereof to the proper officer, or (*c*) suspended as to its operation until the expiration of the then existing licenses. The sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the said "*The Temperance Act of* 1864," shall be repealed from and after the day next following the day on which such by-law is repealed, under the provisions of the said last named Act or of the said "*The Canada Temperance Act*, 1878;" Preamble. 41 V. c. 16. Recital. 27, 28 V. c. 18.

And whereas *it is provided by the Act last mentioned*, if proceedings to repeal such by-law be taken under the provisions of "*The Canada Temperance Act*, 1878," such by-law shall become and be repealed upon, from and after the day of the publication of the proper Order in Council in that behalf in the *Canada Gazette*; Recital.

And whereas, if proceedings to repeal such by-law be taken under the provisions of the said "*The Temperance Act of* 1864," doubts have arisen whether, having reference to the eighth section of the said Act, such by-law becomes repealed immediately upon the passing of the repealing by-law with the necessary approval of the electors, or whether the repeal of such by-law is suspended in the Province of Quebec (formerly Lower Canada) until the first day of May, and in the Province of Ontario (formerly Upper Canada) until the first day of March next, after the passing of the repealing by-law; Recital.

And whereas it is expedient to remove such doubts, and to assimilate the effect of the proceedings to repeal, whether taken under "*The Canada Temperance Act*, 1878" or "*The Temperance Act of* 1864;". Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Recital.

1. The true intent and meaning of the third section of "*The Canada Temperance Act*, 1878," was and is, that sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of "*The Temperance Act of* 1864" become repealed as to every municipality referred to in the Intent of sec. 3 of 41 V. c. 16 declared, as to when the repeal of

preamble of this Act, upon, from and after the day next following the day on which the repealing by-law above referred to, passed under the provisions of "*The Temperance Act of 1864*," has been duly passed according to such provisions, and the repeal of such sections is not suspended till the first day of May or the first day of March next after the passing of such repealing by-law.

27, 28 V. c. 18 is to take effect.

No. 70.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to remove doubts as to the true intent and meaning of certain provisions of the "Canada Temperance Act, 1878."

Received and read, first time, Wednesday, 2nd April, 1879.

Second reading, Thursday, 3rd April, 1879.

Mr. McCuaig.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

71

An Act to amend the Act relating to Banks and Banking, and the Acts amending the same.

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

1. The nineteenth section of the Act passed in the thirty-fourth year of Her Majesty's Reign and intituled : "*An Act relating to Banks and Banking*," is hereby repealed, and the following substituted therefor :

"19. The shares of the capital stock of the bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the bank, or at any of its branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall prescribe ; but no assignment or transfer shall be valid unless it be made and registered, and accepted by the party to whom the transfer is made, in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall, if required by the bank, previously discharge all his, her or their debts or liabilities to the bank, which may exceed in amount the remaining stock, if any, belonging to such person or persons valued at the then current rate ; and every contract, agreement,contract note, or memorandum of sale and purchase, which shall hereafter be made or entered into for the sale or transfer, or purporting to be for the sale or transfer of any share in any bank, shall be null and void to all intents and purposes whatsoever, unless such contract, agreement, contract note or memorandum, shall set forth the person or persons in whose name or names such share shall, at the time of the execution thereof, stand as the registered proprietors thereof in the books of such bank, and the person or persons for or on behalf of whom, or in whose interest, or at whose risk such purchase is made. And no assignment or transfer shall be valid unless it be made and registered, and accepted by the party to whom the transfer is made, in a book kept by the Directors for that purpose. And no fractional part or parts of a share, or less than a whole share, shall be assignable or transferable."

"When any share 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, Manager, or other officer of the bank, 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 or liabilities of the holder or holders of the share to the bank, and all liens existing in favor of the bank thereon, shall have been discharged as hereinafter provided), the President, Vice-President, Manager or Cashier of the bank shall execute the transfer of the share so sold to the purchaser; and such transfer, being duly accepted, shall be, to all intents and purposes, as valid and effectual in law as if it had been executed by the holder or holders of the said share, any law or usage to the contrary notwithstanding."

2. Section fifty-one of the said Act is hereby amended by striking out of the said section the words "the shares of the capital stock of any other bank," in the twenty-third and twenty-fourth lines of the said section, and the word "stock," in the twenty-sixth line thereof. But this amendment shall not have any force or effect until the end of six months from the passing of this Act, nor as respects loans on the security of bank shares made and current at the time of the expiration of the said six months, or as respects any extension or renewal of such loans, until the end of the Session of the Parliament of Canada next after the present, after which time the lien existing upon such shares as security for any loan, or the extension or renewal of any loan by any bank on the shares of the capital stock of any other bank, shall cease to attach thereto, or to create any charge or privilege thereon or on the proceeds thereof.

3. Any person, whether principal, broker or agent, who shall wilfully insert in any contract, agreement, contract note, or memorandum of agreement, for the sale or transfer of any share in any bank, any name or names other than that of the person or persons in whose name, at the time of the execution thereof such share shall stand, and the name of the person for whom, or on whose behalf, or in whose interest, or at whose risk such share is purchased, or who shall make, enter into or sign any such contract, agreement, contract note, or memorandum of agreement, without setting forth therein the person or persons in whose name such share then stands in the books of the bank, or who shall set forth therein, as the owner of such share, any name or names other than that of the person or persons in whose names such share then stands, or as the purchaser of such share, any name other than that of the person for whom, or on whose behalf, or in whose interest, or at whose risk such share is purchased, shall be guilty of a misdemeanor; and the provisions of section sixty-six of the said Act shall apply to any offence under this section, as if the said section had been incorporated herewith.

4. If any bank has sustained losses in its business whereby the value of its paid up capital stock has been reduced, or from any other cause, finds it expedient to reduce its capital stock, an application may be made on behalf of such bank to the Governor in Council for authority to reduce the number or amount of the subscribed shares thereof, provided such application shall have been previously authorized by the shareholders of such bank at the annual meeting thereof, after due notice that such application will be proposed thereat, or at a special general meeting thereof, called for the purpose of considering the expediency of such reduction. And upon such application, and after such enquiry as the Governor in Council may deem expedient, an Order in Council may be made and issued, authorising the reduction of the number or amount of the subscribed shares of such bank, to such extent, and in such manner, and upon such conditions as shall be specified in such Order, so as the sum to which the said capital is reduced shall not be lower than the minimum which the Act hereby amended fixes as the minimum amount under which a bank may go into operation: Provided, always, that nothing contained in such Order shall in any way affect or diminish the liability of persons holding unpaid or only partially paid up shares at the date of such Order, to pay up such shares in full to the originally subscribed nominal amount thereof; and, provided also, that nothing in such Order contained shall lessen or vary the liability of the shareholders of such bank to the creditors thereof holding claims thereon at the date of such Order; and, provided further, that such Order shall have no force or effect until it has been accepted by a resolution passed at the annual meeting of the shareholders of such bank, after due notice that such acceptance will be proposed thereat, or at a special general meeting of such shareholders called for the purpose of considering such Order.

72

An Act to explain and amend the Act respecting the appropriation of certain Dominion Lands in Manitoba.

IN explanation and amendment of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act respecting the appropriation of certain Dominion Lands in Manitoba:*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The expression "members of the family" in the second section of the Act first cited, shall be construed as having been intended to include the husband or wife of the half-breed head thereof, and the children of the deceased children of such head as representing them, or such of the persons so included as are living when the issue of the scrip is ordered, and none other; and the Governor in Council may determine the proportions in which, as well as the conditions on which, the scrip shall be distributed among members of the family entitled to share therein.

2. The expression "members of the family" shall be substituted for the expression "children" in the enacting portion of the fourth section of the Act first cited, and shall have the meaning hereby assigned to the same expression in the second section of the said Act; and scrip to be issued under the said fourth section shall be granted or distributed to such members of the family, and on such conditions, and in such proportions as the Governor in Council may from time to time determine.

3. If there be then no member of the family living, any scrip to be issued under either of the said sections of the said Act, shall be dealt with according to the law of Manitoba, as if it were the personal property of the member of the family last deceased.

4. No person except such last deceased member as aforesaid, shall be held to have a vested interest in scrip under the said Act until it is ordered to be issued in his favour; but after such order, it shall, in case of his decease before he receives it, be dealt with and distributed as personalty, according to the law of Manitoba; and if the person entitled to scrip under the said Act be a minor, or insane, or otherwise incapacitated from managing his affairs, it shall be issued or delivered to his guardian, curator or other person having charge of his personalty by the law of Manitoba, in trust, to be dealt with according to such law.

5. Provided always, that all issues of scrip and orders for the distribution thereof under the said Act, made by authority of the Governor in Council before the first day of January, 1879, are hereby confirmed and made valid.

No. 73.] **BILL.** [1879.

An Act to amend "The Maritime Jurisdiction Act, 1877."

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

1. No right or remedy *in rem* given by "*The Maritime Jurisdiction Act*, 1877," shall be enforced as against any *bonâ fide* mortgagee under a mortgage duly executed and registered prior to the first day of October one thousand eight hundred and seventy-eight. Rights of mortgagees defined.

2. No right or remedy *in rem* given by the said Act in respect of claims for towage, or claims for damage done by collision by any ship, shall be enforced as against any *bonâ fide* mortgagee, whose mortgage is duly executed and registered in the Province of Ontario. As to towage and damage by collision.

No. 73.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act 40 Victoria, Chapter 21, to establish a Court of Maritime Jurisdiction in the Province of Ontario.

Received and read, first time, Monday, 7th April, 1879.

Second reading, Wednesday, April 9th, 1879.

Mr. McDonald
(Pictou).

No. 74.] **BILL.** [1879.

An Act further to amend "The Supreme and Exchequer Court 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 seventeenth section of "*The Supreme and Exchequer Court Act*" is hereby repealed, and the following substituted therefor: 38 Vic., c. 11, s. 17, repealed. New provisions.

"17 (*a*). Subject to the provisions hereinafter contained, an appeal shall lie to the Supreme Court of Canada from any decree, decretal order, or order made in any suit, cause, matter, or other judicial proceeding originally instituted in any Superior Court of Equity in any Province of Canada, other than the Province of Quebec, and from any decree, decretal order, or order in any action, suit, cause, matter, or judicial proceeding in the nature of a suit or proceeding in equity which shall have been originally instituted in any Superior Court in any Province of Canada other than the Province of Quebec. Appeal in equity cases, or in the nature of equity cases, originally instituted in any Superior Court, in any Province except Quebec.

(*b*). No appeal shall lie from any order made in any action, suit, cause, matter or other judicial proceeding which shall have been made in the exercise of the judicial discretion of the Court or Judge making the same; but this exception shall not include decrees and decretal orders in suits, causes, matters or other judicial proceedings in equity, or in actions or suits, causes, matters, or other judicial proceedings in the nature of suits or proceedings in equity instituted in any Superior Court. No appeal from orders made in exercise of judicial discretion. Exception, as to equity cases.

(*c*). An appeal shall lie from final judgments only in actions, suits, causes, matters and other judicial proceedings originally instituted in the Superior Court of the Province of Quebec, or originally instituted in a Superior Court of Common Law in any of the Provinces of Canada other than the Province of Quebec. Appeal from final judgments only in Superior Courts of Law. Except in Quebec.

(*d*). Except as hereinafter provided for, no appeal shall lie to the Supreme Court, but from the highest Court of last resort having jurisdiction in the Province in which the action, suit, cause, matter or other judicial proceeding was originally instituted, whether the judgment or decision in such action, suit, cause, matter or other judicial proceeding may or may not have been a proper subject of appeal to such highest Court of last resort. Appeal to lie only to highest Court of last resort in the province, Except, &c.

Appeal from Court of Review in Quebec.

(*e*). An appeal shall lie to the said Supreme Court from the judgment of the Court of Review for the Province of Quebec in any action, suit, cause, matter or other judicial proceeding originally instituted in the Superior Court in which an appeal would lie from the judgment of the said Court of Review to Her Majesty in Her Privy Council.

Appeal by leave, from final judgment of a Superior Court, without intermediate appeal to Provincial Court of Appeal.

Except in Quebec.

(*f*.) An appeal shall lie to the said Supreme Court by leave of the said last-mentioned Court, or a Judge thereof, from any decree, decretal order, or order made or pronounced by a Superior Court of Equity, or made or pronounced by any Equity Judge or by any Superior Court in any action, cause, matter or other judicial proceeding in the nature of a suit or proceeding in Equity, and from the final judgment of any Superior Court of any Province other than the Province of Quebec, in any action, suit, cause, matter or other judicial proceeding originally commenced in such Superior Court, without any intermediate appeal being had to any intermediate Court of Appeal in the Province.

Preceding section not to prevent appeals in equity cases, above provided for.

(*g*). Nothing in the next preceding sub-section contained shall be taken to prejudice or affect the appeal as of right from all final judgments, and from decrees, decretal orders, and orders in suits, causes and matters or other judicial proceedings in Equity, already provided for by this Act.

Provision as to amount or nature of matter in controversy in Quebec.

(*h*). Provided that no appeal shall be allowed from any judgment rendered in the Province of Quebec in any action, suit, cause, matter or other judicial proceeding wherein the matter in controversy does not amount to the sum or value of two thousand dollars, unless such matter, if less than that amount, involves the question of the validity of an Act of the Parliament of Canada or of the Legislature of any of the Provinces of Canada, or of an Ordinance or Act of any of the Councils or Legislative bodies of any of the Territories or Districts of Canada, or relates to any fee of office, duty, rent, revenue, or any sum of money payable to Her Majesty, or to any title to lands or tenements, annual rents or such like matters or things where the rights in future might be bound.

Proviso: for appeal by leave of Court of Queen's Bench in Quebec in certain cases.

(*i*). Provided, however, that an appeal shall, by leave of the Court of Queen's Bench in the Province of Quebec, lie to the Supreme Court from the final judgment of the said Court of Queen's Bench in any action, suit, cause, matter or other judicial proceeding originally instituted in the Superior Court, although the sum or value in dispute may not amount to two thousand dollars, and although the judgment may not involve any of the questions or relate to any of the matters or things in the next preceding sub-section mentioned.

Interpretation clause.

(*k*). The words "final judgment" in this section contained, mean any judgment, rule, order or decision, whereby the action, suit, cause, matter or other judicial proceeding, is finally determined and concluded; and the word "Province" includes Territories and Districts.

(*l*). The Court of Probate in New Brunswick and in Nova Scotia is a Superior Court for the purposes of this section.

Court of Probate in N.B. or N.S. a Superior Court.

(*m*). An appeal shall lie to the Supreme Court from the judgment, rule, order or decision of any Court or Judge on any preliminary objection to an Election Petition, the allowance of which shall have been final and conclusive, and which shall have put an end to the petition, or which would, if allowed, have been final and conclusive and have put an end to the petition.

Appeal on preliminary objection to an Election Petition, in certain cases.

(*n*). Appeals in Exchequer cases, cases of mandamus, habeas corpus and municipal by-laws shall not be in any way affected by the provisions of this section.

Appeals contain classes of cases not affected.

2. So much of "*The Supreme and Exchequer Court Act*" and of the Act passed in the thirty-ninth year of Her Majesty's reign, and chaptered twenty-six, and intituled, "*An Act to make further provision in regard to the Supreme and Exchequer Court of Canada*" as confers original jurisdiction upon the Supreme Court or any Judge thereof in matters of *Habeas Corpus*, or in any way recognises or relates to original jurisdiction in such cases, is hereby repealed.

Original jurisdiction in in *Habeas Corpus* cases taken away.

3. The oath of office to be taken by a Judge of the said Supreme and Exchequer Court previously to his exercising the duties of his office as required by "*The Supreme and Exchequer Court Act*," may in the absence or illness of the Chief Justice, be administered by the Senior Puisne Judge present at Ottawa.

As to administration of oath of office to a Judge of the Court.

4. It is hereby declared that the true construction and meaning of the said Supreme and Exchequer Court Act shall be taken and deemed to have been and to be that all orders, decretal orders, decrees and decisions of any Superior Court made in any suit, cause, matter, or other judicial proceeding in equity, or in any action, suit, cause, matter or other judicial proceeding in the nature of a suit or proceeding in equity are, and always have been, the proper subjects of appeal to the said Supreme Court, subject however, to the provision in the said Act contained, that an appeal shall lie only from the highest Court of final resort in the Province.

Intent of Act as to appeals in cases in equity or in the nature of cases in equity, declared.

5. Section thirty-one of "*The Supreme and Exchequer Court Act*" is hereby amended by inserting after the word "thereof," in the sixth line, the words, "or to the satisfaction "of the Supreme Court or a Judge thereof."

Section 31 amended.

6. This Act may be cited as "*The Supreme Court Amendment Act of* 1879."

Short title.

No. 74.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act further to amend "The Supreme and Exchequer Court Act."

Received and read, first time, Tuesday, 8th April, 1879.

Second reading, Thursday, 10th April, 1879.

Mr. McDonald,
(Pictou.)

OTTAWA:

Printed by MacLean, Roger & Co.

1879.

No. 74.] **BILL.** [1879.

An Act further to amend "The Supreme and Exchequer Court Act."

(Reprinted as proposed to be amended in Committee of the Whole.)

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

Appeal in equity cases, or in the nature of equity cases, originally instituted in any Superior Court, in any Province except Quebec.

1. Subject to the provisions hereinafter contained, an appeal shall lie to the Supreme Court of Canada from any decree, decretal order, or order made in any suit, cause, matter, or other judicial proceeding originally instituted in any Superior Court of Equity in any Province of Canada, other than the Province of Quebec, and from any decree, decretal order, or order in any action, suit, cause, matter, or judicial proceeding in the nature of a suit or proceeding in equity which shall have been originally instituted in any Superior Court in any Province of Canada other than the Province of Quebec.

No appeal from orders made in exercise of judicial discretion.

Exception, as to equity cases.

2. No appeal shall lie from any order made in any action, suit, cause, matter or other judicial proceeding which shall have been made in the exercise of the judicial discretion of the Court or Judge making the same; but this exception shall not include decrees and decretal orders in suits, causes, matters or other judicial proceedings in equity, or in actions or suits, causes, matters, or other judicial proceedings in the nature of suits or proceedings in equity instituted in any Superior Court.

Appeal from final judgments only in Superior Courts of Law. Except in Quebec.

3. An appeal shall lie from final judgments only in actions, suits, causes, matters and other judicial proceedings originally instituted in the Superior Court of the Province of Quebec, or originally instituted in a Superior Court of Common Law in any of the Provinces of Canada other than the Province of Quebec.

Appeal to lie only to highest Court of last resort in the Province, Except, &c.

4. Except as hereinafter provided for, no appeal shall lie to the Supreme Court, but from the highest Court of last resort having jurisdiction in the Province in which the action, suit, cause, matter or other judicial proceeding was originally instituted, whether the judgment or decision in such action, suit, cause, matter or other judicial proceeding may or may not have been a proper subject of appeal to such highest Court of last resort.

Appeal by leave, from final judgment of a Superior Court, without intermediate appeal to Provincial Court of Appeal.

Except in Quebec.

5. An appeal shall lie to the said Supreme Court by leave of the said last-mentioned Court, or a Judge thereof, from any decree, decretal order, or order made or pronounced by a Superior Court of Equity, or made or pronounced by any Equity Judge or by any Superior Court in any action, cause, matter or other judicial proceeding in the nature of a suit or proceeding in Equity, and from the final judgment of any Superior Court of any Province other than the Province of Quebec, in any action, suit, cause, matter or other judicial proceeding originally commenced in such Superior Court, without any intermediate appeal being had to any intermediate Court of Appeal in the Province.

Preceding section not to prevent appeals in equity cases, above provided for.

6. Nothing in the next preceding section contained shall be taken to prejudice or affect the appeal as of right from all final judgments, and from decrees, decretal orders, and orders in suits, causes and matters or other judicial proceedings in Equity, already provided for by this Act.

Proviso: for appeal by leave of Court of Queen's Bench in Quebec in certain cases.

7. No appeal shall be allowed from any judgment rendered in the Province of Quebec in any action, suit, cause, matter or other judicial proceeding wherein the matter in controversy does not amount to the sum or value of two thousand dollars, unless such matter, if less than that amount, involves the question of the validity of an Act of the Parliament of Canada or of the Legislature of any of the Provinces of Canada, or of an Ordinance or Act of any of the Councils or Legislative bodies of any of the Territories or Districts of Canada, or relates to any fee of office, duty, rent, revenue, or any sum of money payable to Her Majesty, or to any title to lands or tenements, annual rents or such like matters or things where the rights in future might be bound.

Interpretation clause.

8. The words "final judgment" in this Act contained, mean any judgment, rule, order or decision, whereby the action, suit, cause, matter or other judicial proceeding, is finally determined and concluded.

Court of Probate in N. B. or N. S. a Superior Court.

9. The Court of Probate in New Brunswick and in Nova Scotia is a Superior Court for the purposes of this Act.

Appeal on preliminary objection to an Election Petition, in certain cases.

10. An appeal shall lie to the Supreme Court from the judgment, rule, order or decision of any Court or Judge on any preliminary objection to an Election Petition, the allowance of which shall have been final and conclusive, and which shall have put an end to the petition, or which would, if allowed, have been final and conclusive and have put an end to the petition.

Appeals contain classes of cases not affected.

11. Appeals in Exchequer cases, cases of rules for new trials and cases of mandamus, habeas corpus and municipal by-laws shall not be in any way affected by the provisions of this Act.

Original jurisdiction in *Habeas Cor-*

12. So much of "*The Supreme and Exchequer Court Act*" and of the Act passed in the thirty-ninth year of Her Majesty's

reign, and chaptered twenty-six, and intituled, "*An Act to make further provision in regard to the Supreme and Exchequer Court of Canada*" as confers original jurisdiction upon the Supreme Court or any Judge thereof in matters of *Habeas Corpus*, or in any way recognises or relates to original jurisdiction in such cases, is hereby repealed. *Habeas Corpus* cases taken away.

13. The oath of office to be taken by a Judge of the said Supreme and Exchequer Court previously to his exercising the duties of his office as required by "*The Supreme and Exchequer Court Act*," may in the absence or illness of the Chief Justice, be administered by the Senior Puisne Judge present at Ottawa. As to administration of oath of office to a Judge of the Court.

14. It is hereby declared that the true construction and meaning of the said Supreme and Exchequer Court Act shall be taken and deemed to have been and to be that all orders, decretal orders, decrees and decisions of any Superior Court made in any suit, cause, matter, or other judicial proceeding in equity, or in any action, suit, cause, matter or other judicial proceeding in the nature of a suit or proceeding in equity are, and always have been, the proper subjects of appeal to the said Supreme Court, subject however, to the provision in the said Act contained, that an appeal shall lie only from the highest Court of final resort in the Province. Intent of Act as to appeals in cases in equity or in the nature of cases in equity, declared.

15. Section thirty-one of "*The Supreme and Exchequer Court Act*" is hereby amended by inserting after the word "thereof," in the sixth line, the words, "or to the satisfaction "of the Supreme Court or a Judge thereof." Section 31 amended.

16. In addition to the two sessions of the said Supreme Court, which by the thirteenth section of the said Act are required to be held in the months of January and June in each year, a third session shall be held beginning on the third Monday in October, in each year, which shall continue until the business before the Court shall have been disposed of.

17. This Act may be cited as "*The Supreme Court Amendment Act of* 1879." Short title.

No. 74.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

An Act further to amend "The Supreme and Exchequer Court Act."

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

Mr McDonald
(Pictou).

OTTAWA:
Printed by Maclean, Roger & Co.

1879

No. 75.] **BILL.** [1879.

An Act to amend "An Act for the more speedy trial in certain cases, of persons charged with felonies and misdemeanors 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:— Preamble.

1. The Act cited in the title to this Act and passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, and the Acts amending the same, may be cited together as the "*The Speedy Trials Acts.*" Short title of 32, 33 V.c. 35 and amending Acts.

2. The Court of Record constituted by the said Act or Acts shall in Ontario be called, "The County Judge's Criminal Court" of the County or union of Counties in which the same is held. Court held under the said Act in Ontario.

3. The County Attorney or Clerk of the Peace may, with the consent of the Judge, prefer against the prisoner a charge or charges for any offence or offences for which he may be tried at a Court of General Sessions of the Peace, other than the charge or charges for which he has been committed to jail for trial, although such charge or charges do not appear or are not mentioned in the depositions upon which the prisoner was so committed. Offender may be charged with other offences than that for which he was committed.

4. The Judge shall, in any case tried before him, have the same power as to acquitting or convicting, or convicting of any other offence than that charged, as a jury would have in case the prisoner was tried at a sitting of the Court of General Sessions of the Peace, and may render any verdict which upon a trial at a sitting of a Court of General Sessions of the Peace can be rendered by a jury. Powers of the Judge in any case tried before him.

5. In case a prisoner elects to be tried by the Judge without the intervention of a jury, the Judge may, in his discretion, admit him to bail to appear for his trial, and extend the bail from time to time in case the Court be adjourned or there be any other reason therefor; and such bail may be entered into and perfected before the Clerk of the Peace in open Court. Judge may admit prisoner electing to be tried without a jury, to bail.

6. In case a prisoner elects to be tried by a jury the Judge may, instead of remanding him to jail, admit him to bail to appear for trial at such time and place and before such Court as shall be determined upon, and such bail may be Or if he elects to be tried by a jury.

entered into and perfected before the Clerk of the Peace in open Court.

Adjourning trial.

7. The Judge may adjourn any trial from time to time until finally terminated.

Powers of amendment.

8. The Judge shall have all powers of amendment which the Court of General Sessions of the Peace would have in case the trial were before such Court.

Interpretation of words, &c., in this Act.

9. In this Act, as respects the Provinces of Quebec and Ontario, the word "Judge" has the meaning assigned to it in section eight of the amended Act, as respects the Province of Quebec, the expression "Court of General Sessions of the Peace" includes any Court for the time being, discharging the functions of the said Court—and as respects the Province of Manitoba, the said word and expression, and the expression "County Attorney or Clerk of the Peace," have the meanings assigned to them respectively, by the Act 38 Victoria, chapter 54, extending the amended Act to Manitoba, and the expression "Clerk of the Peace" in the fifth and sixth sections of this Act shall, in the said Province, mean the Prothonotary of the Court of Queen's Bench.

No. 75.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend "An Act for the more speedy trial in certain cases, of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec."

Received and read, first time, Tuesday, 8th April, 1879.

Second reading, Thursday, 10th April, 1879.

Mr. McDONALD, (Pictou.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1879.

No. 76.] **BILL.** [1879

An Act respecting the "Andrew Mercer Ontario Reformatory for Females."

Preamble.

Name of Reformatory.

WHEREAS the Legislature of the Province of Ontario has passed an Act for the establishment of a Reformatory prison for females, to be called the "*Andrew Mercer Ontario Reformatory for Females*," and it is expedient that provision should be made for the confinement therein of the female offenders hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

After proclamation of Lt.-Governor, female offenders may be sentenced to imprisonment in it.

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 as the "*Andrew Mercer Ontario Reformatory for Females*," to be open for the reception, confinement and employment of female offenders, every court *in Ontario* before which any female is convicted of an offence against the laws of Canada, punishable by imprisonment in the common gaol for the period of two months, or for any longer time, may sentence such female to imprisonment in the said Reformatory instead of the common gaol of the County or judicial district where the offence was committed or was tried; but this section shall not authorize the imposition of such sentence by any justice of the peace or police or stipendiary magistrate.

Certain offenders may be sent to it from other gaols to finish their term of imprisonment.

2. After any proclamation shall have been issued as aforesaid, any female, from time to time confined in any common gaol in the said Province, under sentence of imprisonment, upon summary conviction before a justice of the peace or a police or stipendiary magistrate, for any offence against the laws of Canada, may, by direction of the Provincial Secretary, be transferred from such common gaol to the said Reformatory, to be imprisoned for the unexpired portion of the term of imprisonment to which such female was originally sentenced or committed to the common gaol, and such female shall thereupon be imprisoned in the Reformatory aforesaid, for the residue of the said term, and shall be subject to all the rules and regulations of the Reformatory.

And notwithstanding the imprisonment was for non-payment of fine.

3. Any female sentenced to imprisonment as aforesaid may be removed to the said Reformatory, notwithstanding such imprisonment or any part thereof is imposed in default of the payment of a fine or penalty in money, and that such offender is entitled to be discharged upon payment of such fine or penalty. In case the fine or penalty is paid after the

removal of the offender, the same shall be paid to the proper officer of the said Reformatory to defray the expense of the removal of the said offender to the said Reformatory and otherwise, for the uses of the said Reformatory; but nothing herein contained shall affect the right of any private person to the said fine or any part thereof.

Offenders sentenced to Reformatory may be detained in gaol until transferred to it.

4. Any sheriff or other person having the custody of an offender sentenced to imprisonment in the said Reformatory, may detain the offender in the common gaol of the County or District in which she is sentenced, or other place of confinement in which she may be, until a Reformatory bailiff, or other person lawfully authorized in that behalf, requires her delivery for the purpose of being conveyed to the Reformatory.

Case of offender certified incapable of hard labor.

5. In case the gaol surgeon, or other medical practitioner acting in this behalf, certifies that any offender sentenced as aforesaid is in such a weak state of health that she is unable to perform hard labour, such offender may be detained in the common gaol, or other place of confinement in which she may be, until she is sufficiently recovered to be employed at hard labour.

Computation of term of imprisonment.

6. The time for which any person sentenced to imprisonment in the Reformatory is held in custody, under the provisions of the next two preceeding sections, shall be reckoned in computing the time served by such person in the said Reformatory.

Power to convey offender to Reformatory.

7. Any officer appointed by the Lieutenant-Governor of the said Province, or other officer or person by his direction, or by direction of the court or other lawful authority, may convey to the Reformatory any convict sentenced, or liable to be imprisoned therein, and deliver her to the superintendent or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the court before which the offender was tried, and certified by a judge or the clerk or acting clerk of such court.

Superintendent to receive prisoner, &c.

8. The Superintendent of the Reformatory shall receive into the same every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations, and discipline thereof, until the time to which she has been sentenced shall be completed, or until she is otherwise discharged in due course of law.

Power to re-transfer offenders to gaol.

9. The Lieutenant-Governor may, from time to time, by warrant signed by the Provincial Secretary, or by such other officer as may be authorised by the Lieutenant-Governor in Council in that behalf, direct the removal from the said Reformatory back to the common gaol, or to any other gaol in Ontario, of any person removed to the said Reformatory under this Act.

Superintendent to deliver prisoner

10. The Superintendent of the said Reformatory, or the keeper of any common gaol, having the custody of any

offender ordered to be removed, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, the said offender, together with a copy, attested by the said superintendent or gaoler, of the sentence and date of conviction of such offender, as given him on the reception of the offender into his custody.

to authorized person.

11. Whenever the time of the sentence of any prisoner committed to the said Reformatory, for an offence against the laws of Canada, expires on a Sunday, she shall be discharged on the previous Saturday, unless she desires to remain until the following Monday.

As to discharge of prisoner from Reformatory.

No. 76.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act respecting "The Andrew Mercer Ontario Reformatory for Females."

Received and read first time, Tuesday, 8th April, 1879.

Second reading, Thursday, 10th April, 1879.

Mr. McDONALD,
(Pictou.)

OTTAWA:
PRINTED BY MACLEAN, & Co.
1879.

77

An Act to make the first day of July a Public Holiday, by the name of Dominion Day.

WHEREAS it was on the first day of July that the Provinces of Canada, Nova Scotia and New Brunswick became one Dominion, under the name of Canada; and whereas Rupert's Land and the North-Western Territory, and the Province of British Columbia became part of the Dominion in the month of July, and Prince Edward Island became part of the Dominion on the first day of July; and whereas it is expedient that such important events should be commemorated; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Throughout the Dominion of Canada, in each and every year, the first day of July, not being a Sunday, shall be a legal holiday, and shall be kept and observed as such, under the name of Dominion Day.

2. When the first day of July is a Sunday the second day of July shall be, in lieu thereof, throughout the Dominion, a legal holiday, and shall be kept and observed as such under the same name.

3. In construing any Act of the Parliament of Canada, passed or to be passed, the word "holiday" shall be held to include "Dominion Day," as if the same were mentioned in the Interpretation Act, Section seven, "Fifteenthly," which is hereby amended to that effect.

4. Whenever the day which would otherwise be the day for the payment or the last day of grace for the payment of any bill of exchange or promissory note, payable at any place in the Dominion of Canada is Dominion Day, such bill or note shall be payable, and the days of grace thereon shall expire, on the day next thereafter, not being a legal holiday or non-juridical day, and not before.

An Act to amend the Act incorporating "The Ottawa Loan and Investment Company," and to change the name to "The Manitoba and North-West Loan Company (Limited)."

WHEREAS the Ottawa Loan and Investment Company have petitioned for certain changes and amendments to the Act of incorporation of the said Company, passed in the thirty-seventh year of Her Majesty's Reign, and chaptered one hundred and four, and that the name of the said Company be changed; and it is expedient that the prayer of the said petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The corporate name of the said Company is hereby changed to that of "The Manitoba and North-West Loan Company (Limited)," and under that name the said Company may sue and be sued, plead and be impleaded, in all courts and places whatsoever.

2. The said "The Manitoba and North-West Loan Company (Limited)" hereinafter called "the Company," shall have, hold and continue to exercise all the rights, powers and privileges that have heretofore been held, exercised and enjoyed by the said "The Ottawa Loan and Investment Company," and shall be subject to all liability to which "the Company," under its original name, was liable in as full and ample a manner as if the said "The Ottawa Loan and Investment Company" had continued to exist under its original name; and all the statutory provisions applicable to the said "The Ottawa Loan and Investment Company" shall continue applicable to "the Company" so far as the same are not contrary to or inconsistent with the provisions of this Act.

3. All moveable and immoveable property, shares or stocks, debts, rights, claims and privileges of the said "The Ottawa Loan and Investment Company" shall hereafter be held by and vested in "the Company," and all the shareholders in the said "The Ottawa Loan and Investment Company" shall continue shareholders in all respects as if no change had been made in the name.

4. The third section of the said Act is hereby repealed, and the following section is hereby put in its place, that is to say:—

"3. The Company are hereby empowered to lay out and invest their capital, in the first place, in paying 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 deemed necessary, in the manner, and for the purposes hereinafter mentioned, that is to say: the Company may, from time to time, lend and advance money, by way of loan or otherwise, for such periods as they may deem expedient, on any real or leasehold security, or both, or on the public securities of the Dominion, or of the several Provinces of the Dominion, or on security of the debentures of any corporation, issued under or in pursuance of any statutory authority, and upon such terms and conditions as to the Company shall seem satisfactory or expedient, and may acquire, by purchase or otherwise, mortgages on real or leasehold estate, and evidences of debt (other than the stocks of incorporated Companies) secured by mortgage or pledge of freehold or leasehold lands and debentures of Municipal or other Corporations issued under any statutory authority, and may re-sell the same as they may deem advisable, with power to do all acts that may be necessary for advancing such sums of money and for receiving and obtaining re-payment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions or for delay of payment, and to give receipts, acquittances and discharges for the same, either absolutely and wholly or partially, and to execute such deeds, assignments or other instruments as may be necessary for carrying any such purchase or re-sale into effect; and for all and every, and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised, or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever in the opinion of the Directors of the Company, requisite or expedient to be done or exercised in relation thereto."

5. The fourth section of the said Act is hereby repealed.

6. The fifth section of the said Act is hereby repealed; and in lieu thereof it is enacted that the Directors may from time to time, with the consent of the majority of the shareholders present or represented at a general meeting, borrow money upon the debentures of the Company at such rate of interest and upon such terms as they may think proper; and the

Directors may for that purpose make or cause to be made debentures for sums not less than one hundred dollars each or twenty pounds sterling money, which may be made payable at any place and either to order or bearer, and may have interest coupons attached; and such debentures shall be signed by the President or Vice-President and the Manager of the said Company, and shall be under the common seal of the said Company; and the coupons shall be signed by the Manager; and such debentures and coupons respectively shall be payable at such time and place as the said debentures and coupons shall therein respectively state: Provided that no purchaser of a debenture or debentures of the Company shall be bound to enquire into the occasion of any such loan or the issuing of any such debenture or debentures or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted: Provided also, that the total amount of the sums to be borrowed as aforesaid shall never exceed eighty per cent. of the subscribed capital of the said Company upon which twenty per cent. has first been paid up.

7. The ninth section of the said Act is hereby repealed, and the following section is hereby put in its place, that is to say:—

"**9.** The Company may stipulate for, take, reserve and exact any rate of interest or discount that may be lawfully taken by individuals, or in the Province of Quebec, by incorporated companies, under like circumstances, and may also receive an annual payment on any loan by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company; Provided always that no fine or penalty shall be stipulated for, taken, reserved or exacted in respect of arrears of principal or interest, which shall have the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan."

8. The eleventh section of the said Act is hereby amended by striking out the words "five hundred thousand," and substituting therefor the words "two million."

9. The twelfth section of the said Act is hereby amended by adding thereto the following words, namely,

"If the transmission of any share or shares in the capital "stock of the Company, or of any debenture or debentures, "issued by the Company, shall be by decease of any "shareholder or holder or owner thereof respectively, the "production to the Directors and deposit with them of "any probate or certified copy of any probate of the will "of the deceased shareholder, holder or owner aforesaid, "or letters of administration or certified copy of letters

"of administration of his or her estate, granted by any "Court in this Dominion having power to grant such "probate or letters of administration, or by any preroga- "tive, diocesan or peculiar Court or authority in England, "Wales, Ireland, India, or any British Colony or of any "testament testamentary or testament dative expede in "Scotland or if the deceased shareholder or holder or "owner aforesaid shall have died out of Her Majesty's "Dominions, the production to and deposit with the Di- "rectors of any such probate or letters of administration "or certified copy thereof as aforesaid, or other document "of like import or certified copy thereof, granted by any "Court or authority having the requisite power in such "matter shall be sufficient justification and authority to the "Directors for paying any dividend or transferring or "authorizing the transfer of any share or for paying any "debenture, or the interest thereon in pursuance of and "in conformity with such probate or letters of administra- "tion or other such document as aforesaid."

10. The twenty-eighth section of the said Act is hereby amended by striking out the word "shall," and substituting in lieu thereof the word "may" and by adding thereto the words "or in such manner or form as the Company may from time to time by by-law direct or determine."

11. The thirty-fifth section of the said Act is hereby repealed.

12. The thirty-eighth section of the said Act is hereby repealed, and the following section is hereby enacted in its place, that is to say:—

"**38**. When and so soon as one hundred thousand dollars of the capital stock shall have been subscribed, and fifty thousand dollars shall have been paid in, the Provisional Directors of the said Company may call a general meeting of shareholders at some place to be named, in the City of Toronto, giving at least twenty days' notice by publication at least three times in some daily newspaper published in the said city; at which general meeting the shareholders present in person or by proxy shall elect not less than five nor more than thirteen Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office until the third Wednesday in January in the year following their election."

13. The thirty-ninth section of the said Act is hereby repealed, and the following section and sub-section are hereby put in its place, that is to say:—

"**39**. The business of the Company shall be managed by a Board of not less than five nor more than thirteen Directors one of whom shall be chosen President and one Vice-Pre-

sident, who, except as 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 the City of Toronto, on the third Wednesday in January 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 in the manner provided by the next preceding section; and 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 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, so that a greater number of persons shall appear to be chosen as Directors than is required then the Directors who shall have the 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 required number; and the said Directors, as soon as may be after the said election, shall proceed, by open vote, to elect one of their number to be the President and one to be the Vice-President, and if any vacancy should at any time happen amongst the said Directors by death, resignation, removal or disqualification 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 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 at least twenty 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 Company."

2. The Company may by by-law increase to not more than thirteen, or decrease to not less than five the number of its Directors: Provided that no by-law for the said purpose shall be valid or acted upon, unless it be sanctioned by a vote of not less than two-thirds in value of the shareholders present, in person or represented by proxy, at a general meeting duly called for considering the by-law, nor until a copy of such by-law, certified under the seal of the Company, has been deposited with the Secretary of State, and has also been published once in the *Canada Gazette*."

14. The forty-second section of the said Acts is hereby amended by inserting after the word "Directors," in the twelfth line the words "and the number of such Directors required to form a quorum for the transaction of business."

15. The forty-fourth section of the said Act is hereby amended by inserting after the word "Directors" in the first line the words "until otherwise provided by by-law of the Company."

16. The forty-fifth section of the said Act is hereby repealed; and it is enacted in lieu thereof that it shall be the duty of the Directors to declare and make half-yearly dividends of so much of the profits of the Company, as to them or a quorum of them may seem advisable; but before declaring any dividend, the Directors may, if they think fit from time to time, set apart from and out of the profits of the Company such sum as they may think advisable for the purpose of forming a rest or reserved fund to meet contingencies, or for promoting the objects and purposes for which the Company is incorporated.

17. The forty-eighth section of the said Act is amended by inserting before the word "notice" the word "public," and by striking out the words "to each member," and substituting therefor the words "at least ten days previous to the payment thereof"

18. The forty-ninth section of the said Act, is hereby amended by striking out the word "Ottawa," and substituting therefor the word "Toronto."

19. The fifty-first section of the said Act, is hereby amended by inserting after the word "addressed," the words "sufficiently prepaid."

20. The fifty-fifth section is hereby amended by striking out the words "day of the date thereof," and inserting in lieu thereof "thirty-first day of December previous."

21. The following sections are hereby added to the said Act.

"**56**. It shall be lawful for the Company to unite, amalgamate and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other Company or Society incorporated or chartered to transact a like business, or any Building Savings or Loan Company or Society heretofore or hereafter incorporated or chartered, or to purchase and acquire the assets of any such Company or Society, and to enter into all contracts and agreements therewith necessary to such union, amalgamation, consolidation, purchase or acquisition."

"**57**. The Directors of the Company and of suchother Company or Society, may enter into a joint agreement under the corporate seals of each of such corporations for

the union, amalgamation or consolidation of such corporations, or for the purchase and acquisition by the Company of the assets of such other Company or Society, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the Directors and other officers thereof, and who shall be the first Directors and officers thereof, the manner of converting the capital stock of each of such corporations into that of the new corporation, with such other details as they shall deem necessary to perfect such new organization, and the union, amalgamation and consolidation of such corporations, and the after management and working thereof, or the terms and mode of payment for the assets of such other Company or Society purchased or acquired by the Company."

"**58.** Such agreement shall be submitted to the shareholders of each of such corporations, at a meeting thereof to be held separately for the purpose of taking the same into consideration. Notice of the times and places of such meetings, and the objects thereof, shall be given by written or printed notices addressed to each shareholder of such corporations respectively, at his last known post office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of each of such corporations, once a week for two successive weeks. At such meetings of shareholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same—each share entitling the holder thereof to one vote, and the said ballots being cast in person or by proxy; and if two-thirds of the votes of all the shareholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement by the Secretary of each of such corporations, under the corporate seal thereof; and if the said agreement shall be so adopted at the respective meetings of the shareholders of each of such corporations, the agreement so adopted, and the said certificates thereon, shall be filed in the office of the Secretary of State of the Dominion of Canada; and the said agreement shall from thence be taken and deemed to be the agreement and act of union, amalgamation and consolidation of such corporations, or the agreement and deed of purchase and acquisition by the Company of the assets of such Company so selling, as the case may be; and a copy of such agreement so filed, and of the certificates thereon properly certified, shall be evidence of the existence of such new corporation."

"**59.** Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next precedingsection, and the filing of the said agreement as in the said section provided, the several societies parties thereto shall

be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges and franchises of each of such corporations."

"60. Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all rights and incidents appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed; Provided however that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of such corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or been contracted by it; and provided also that no action or proceeding, legal or equitable, by or against such 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 corporations or either of them may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof."

22. Schedule A of the said Act is hereby amended by striking out the words "*The Ottawa Loan and Investment Company*," and inserting in lieu thereof the words "*The Manitoba and North-West Loan Company (Limited)*."

79

An Act respecting Building Societies carrying on business in the Province of Ontario.

WHEREAS by the second section of the Act passed in the fortieth year of Her Majesty's Reign, chapter forth-nine, it is enacted as follows:—"The aggregate amount of money deposits in the hands of any such Society, together with the amount of its debentures issued and remaining unpaid, may be equal to, but shall not at any time exceed, double the amount of the unimpaired, capitalized, fixed and permanent stock in such Society, not liable to be withdrawn therefrom: Provided always, that the amount held by any Society on deposit shall not exceed the amount of the paid-up and unimpaired capital of such Society, and that the total liabilities of any such Society shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such Society; and that in estimating the liabilities of any such Society the amount of cash actually in the hands of such Society, or deposited to its credit in any chartered bank, shall be deducted therefrom: and that in estimating the unimpaired, capitalized, fixed and permanent stock of any such Society the amount of all loans or advances made by it to its shareholders upon the security of their stock shall be deducted therefrom."

And whereas, doubts may arise as to the meaning of the words "liabilities of such Society" where the same occur in the said section;

And whereas, it is expedient to remove suc doubts and to amend 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. In the said section the words "liabilities of such Society," or "total liabilities of such Society," shall be taken to mean, and are hereby declared to mean, only the liabilities of any such Society to the public, and shall not be taken to include, and it is hereby declared that the same do not include, the liability of any such Society to its shareholders in respect of its capital stock, or otherwise to its shareholders as such.

2. Any Permanent Building Society carrying on business in the Province of Ontario, having a fixed and permanent capital stock of not less than one hundred thousand dollars, is hereby authorized to carry on business in the Province of Manitoba, or in the North-West Territories, or in any Pro-

vince that may be formed out of the same, and for such purpose is hereby declared to be a body corporate with all the powers, priviliges and liabilities heretofore enjoyed by such Society in the Province of Ontario only.

3. Any such Society may hold, absolutely, real estate for the purposes of or in connection with its place or places of business, not exceeding the annual value of ten thousand dollars; but this section shall not affect any action or suit now pending.

4. If the interest of any person or persons in any share or shares in the capital stock. or in any bond, debenture or obligation of any such Society, such bond, debenture of obligation not being payable to bearer, hath become, or shall become transmitted in consequence of the death, or bankruptcy or insolvency of any such holder or in consequence of the marriage of a female holder or by any other lawful means other than a transfer upon the books of the Society, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the Society, or to recognize such transmission in any manner until a declaration in writing, shewing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former shareholder, if living and having power to execute the same, shall have been fyled with the manager of the Society, and approved by the directors; and if such declaration purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a Notary Public, or of a Judge of a Court of Record, or of a Mayor of any city, town or borough or other place, or a British Consul or Vice-Consul, or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to such declaration, and unless the directors are not satisfied with the responsibility of the transferee, shall allow the name of the party claiming by virtue of such transmission to be entered in the books of the Society.

5. If such transmission has taken place or shall hereafter take place by virtue of any testamentary act or instrument, or in consequence of an intestacy, the probate of the will, or letters of administration, or act of curatorship, or testament testamentary, or testament dative expede, or other judicial or official document under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased, shall purport to be granted by any court or authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's Dominions, or in any foreign country, or an authenticated

copy thereof, or official extract therefrom, shall, together with the said declaration, be produced and deposited with the manager; and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation, or share, or transferring, or consenting to the transfer of any bond, debenture or obligation, or share, in pursuance of, and in conformity to such probate, letters of administration or other such document as aforesaid.

6. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, bonds, debentures, obligations, dividends, coupons, or the proceeds thereof, then and in such case it shall be lawful for the Society to fyle in any one of the superior courts of law, or in the Court of Chancery, in the Province of Ontario, a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the said shares, bonds debentures, or obligations, dividends, coupons, or proceeds to the party or parties legally entitled to the same; and such court shall have authority to restrain any action, suit or proceeding against the Society, the directors or officers thereof, for the same subject matter pending the determination of the said petition; and the Society and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon. Provided always, that if the Court adjudges that such doubts were reasonable the costs, charges and expenses of the Society in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures or obligations, dividends, coupons or proceeds, and shall be paid to the said Society before the Society shall be obliged to transfer or assent to the transfer, or to pay such shares, bonds, debentures or obligations, dividends, coupons, or proceeds to the party or parties ound entitled thereto.

7. The word "Society" in this Act shall also include and mean "Company."

No. 80.] **BILL.** [1879.

An Act respecting tonnage dues levied in Canadian ports under Canadian law.

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

1. Whenever, under any Canadian Act or law, any tax, duty or due is to be levied on any ship in a Canadian port, according to the tonnage of such ship, such tonnage shall be exclusive of any space added to the ship's registered tonnage by the twenty-third section of the Act of the Parliament of the United Kingdom known as "*The Merchant Shipping Act*, 1876." Computation of tonnage for dues in Canadian ports.

No. 80.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL

An Act respecting tonnage dues levied in Canadian ports under Canadian law.

Received and read, first time, Thursday, 17th April, 1879.

Second reading, Friday, 18th April, 1879.

Mr. POPE,
(Queen's P.E.I.)

No. 81.] **BILL.** [1879.

An Act respecting the Official Arbitrators.

Preamble.

WHEREAS it is desirable to place all references to the Official Arbitrators under the Act respecting the Public Works of Canada, and all the proceedings thereon and connected therewith, under the review of the Exchequer Court of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

Sections of 31 V. c. 12, repealed.

1. Sections 44 and 45 of the Act 31 Victoria, chapter 12, intituled "*An Act respecting the Public Works of Canada*," are hereby repealed.

Jurisdiction given to Exchequer Court in certain arbitration cases.

2. The Exchequer Court of Canada shall have jurisdiction over all cases of arbitration arising under the Act last above cited, and the Acts amending the same, when the land or property taken or the damages claimed exceed in value the sum of five hundred dollars according to the *bonâ fide* belief of the party or parties complaining of such arbitration.

Submission may be made a rule of Court.

3. In any such case the submission, whether compulsory or by consent, may be made a rule of the said Court upon motion and affidavits setting forth the facts.

Powers of the Court.

4. The Court shall have power at any time and from time to time to set aside the award made and to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the arbitrators as the case may require, upon such terms as to costs or otherwise as the Court shall deem proper.

Time for application to Court limited.

Proviso.

5. All applications to set aside any award made, or to have the matter thereof remitted for re-consideration, shall be made within three months after the publication of the award and notice to the parties; provided that the time of the vacations of the Court shall not be counted as part of such time.

Court may make final order and determination in the case.

Its effect.

6. The Court may if they think proper upon the evidence taken before the arbitrators, or upon the same or any further evidence which they may order to be adduced before them, make such final order and determination of the matters referred as they shall deem just and right between the parties, and such final order and determination shall be ordered to be performed and shall be enforced by the Court, and the same shall be taken and dealt with as a final award under

the authority of the said Act respecting the Public Works of Canada.

Deposit required as security for costs.

7. No application shall be entertained by the Court to set aside any award made, or to remit the subject-matter thereof for re-consideration, until a deposit of fifty dollars shall have been paid to the Registrar of the Court as security for any costs that may be incurred, to be subject to the order of the Court.

What powers the Court may exercise.

8. The Court shall have and may exercise all the powers contained in the Supreme and Exchequer Court Acts, which according to the nature of the case are applicable to cases of reference under this Act.

Appeal to Supreme Court.

9. An appeal shall lie from the Exchequer Court to the Supreme Court from all judgments, orders, rules and decisions, as in like cases and upon the same terms and conditions as are provided in the Supreme and Exchequer Court Acts.

Costs, and enforcement of orders.

10. All costs, whether for or against the claimant or claimants, or for or against the Crown, shall be in the order and discretion of the Court, and are to be taxed and allowed by its proper officer, and all judgments, orders, and decisions of the Court shall be enforced by its process.

No. 81.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act respecting the Official Arbitrators.

Received and read, first time, Thursday, 17th April, 1879.

Second reading, Friday, 18th April, 1879.

Mr. COCKBURN,
(Northumberland, O.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1879.

No. 82.] **BILL.** [1879.

An Act respecting Trade Marks and Industrial Designs.

(The sections in brackets will originate in Committee of the whole.)

WHEREAS it is expedient to make alterations in the law providing for the registration of Trade Marks and Industrial designs: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

TRADE MARKS.

1. A register of Trade Marks shall be kept in the office of the Minister of Agriculture in which any proprietor of a Trade Mark may have the same registered by complying with the provisions of this Act. Register of Trade Mark to be kept.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make rules and regulations and adopt forms for the purposes of this Act, as respects Trade Marks, and such rules, regulations and forms circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act, and all documents executed according to the same and accepted by the Minister of Agriculture, shall be held valid so far as relates to official proceedings under this Act. Minister may make rules and adopt forms.

3. The Minister of Agriculture may cause a seal to be made for the purposes of this Act and may cause to be sealed therewith Trade Marks and other instruments and copies proceeding from his office in regard of Trade Marks. Seal may be prepared.

4. From and after the first day of July, one thousand eight hundred and seventy-nine, no person shall be entitled to institute any proceeding to prevent the infringement of any Trade Mark until and unless such Trade Mark is registered in pursuance of this Act: Provided always, that actions may be instituted as heretofore against persons fraudulently marking merchandize in accordance with the Act thirty-five Victoria, chapter thirty-two, intituled "*An Act to amend the law relating to the fraudulent marking of merchandize*," even in the absence of registration. No suit for infringement unless Trade Mark is registered. Proviso: 35 V. c. 32.

5. The Minister of Agriculture may object to register any Trade Mark in the following cases:—*First.* If the said Trade Mark proposed for registration is identical with or resembles a Trade Mark already registered. *Second.* If it When registration of Trade Mark may be objected to.

appears that the said Trade Mark is calculated to deceive or mislead the public. *Third.* If the said Trade Mark contains any immorality or scandalous figure. *Fourth.* If the so called Trade Mark does not contain the essentials necessary to constitute a Trade Mark properly speaking.

How registration may be effected.

6. The proprietor of a Trade Mark may have it registered by forwarding to the Minister of Agriculture a drawing and description in duplicate of such Trade Mark, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof; the whole being accompanied with the fee hereinafter provided.

Mode of registration.

7. On compliance with the requirements of this Act and of the rules hereinbefore provided for, the Minister shall register the Trade Mark of the proprietor so applying, and shall return to the said proprietor one copy of the drawing and description with a certificate signed by the Minister or his Deputy to the effect that the said Trade Mark has been duly registered in accordance with the provisions of this Act, and there shall be further stated in such certificate the date, month and year of the entry thereof, in the Register; and every such certificate purporting to be so signed shall be received in all Courts of Law or of Equity in Canada, as *primâ facie* evidence of the facts therein alleged without proof of the signature.

What shall be deemed Trade Marks.

8. For the purposes of this Act, all marks, names, brands, labels, packages or other business devices, which may be adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description by him manufactured, produced, compounded, packed or offered for sale, no matter how applied, whether to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatever containing the same, shall be considered and known as Trade Marks, and may be registered for the exclusive use of the party registering the same in the manner herein provided; and thereafter he shall have the exclusive right to use the same to designate articles manufactured or sold by him: and for the purposes of this Act, timber or lumber of any kind upon which labour has been expended by any person in his trade, business, occupation or calling, shall be deemed a manufacture, product or article.

May be general or specific.

9. A Trade Mark may be general or specific, according to the use made or intended to be made by the proprietor thereof, for the sale of various articles in which he deals in his trade, business, occupation or calling generally, or specific if applied or intended to apply to the sale of a class of merchandize of a particular description.

Duration of Trade Marks.

10. A general Trade Mark once registered and destined to be the sign in trade of the proprietor thereof shall endure without limitation. A specific Trade Mark for the sale of a

special class of goods or merchandize when registered shall endure for the period of twenty-five years, subject before the expiration of the said period to the renewal thereof by the proprietor thereof, or his legal representative. Such renewal being subject to re-registration at or before the expiration of such periods of twenty-five years for any number of times.

Nature of Trade Mark to be specified.

11. The proprietor of a Trade Mark applying for its registration must state in his application whether the said Trade Mark is intended to be used as a general Trade Mark or as a specific Trade Mark..

Fees payable.

[**12.** Before any action is taken in relation to an application for registering a Trade Mark the following fees shall be payable into the hands of the Minister of Agriculture, to wit:—

On every application to register a general Trade Mark including certificate	$30 00
On every application to register a specific Trade Mark, including certificate	25 00
On every application for the renewal of the registration of a specific Trade Mark, including certificate	20 00
For copy of each certificate of registration, separate from the return of the duplicate hereinbefore mentioned	1 00
For the recording of an assignment, as hereinafter provided	2 00
For office copies of documents, not above mentioned, per every hundred words or less	0 50
For each copy of any drawing or emblematic Trade Mark, the reasonable expenses of preparing the same	

All of which fees shall be paid over by the Minister of Agriculture to the Receiver-General of Canada; provided always that in case of refusal to register the Trade Mark for which application is made, the fee shall be returned to the applicant or his agent, with the exception of the sum of five dollars, to be retained in compensation of office expenses.]

Cancellation of Trade Marks.

13. Any person having registered a Trade Mark may petition for the cancellation of the same, and the Minister of Agriculture may on receiving such petition, cause the said Trade Mark to be so cancelled; and the same shall after such cancellation be considered as if it had never been registered under the name of the said party.

Assignment of Trade Marks.

14. Every Trade Mark registered in the office of the Minister of Agriculture shall be assignable in law, and on the assignment being produced and the fee hereinbefore provided being paid, the Minister of Agriculture shall cause the name of the assignee, with the date of the assignment and such other details as he may see fit to be entered on the margin of

the Register of Trade Marks on the folio where such Trade Mark is registered.

Doubtful cases, how decided.

15. If any person makes application to register, as his own, any Trade Mark which has been already registered, the Minister of Agriculture, if not satisfied that such person is undoubtedly entitled to the exclusive use of such Trade Mark, shall cause all parties interested therein to be notified to appear, in person or by Attorney, before him, with their witnesses, for the purpose of establishing which is the rightful owner of such Trade Mark, and after having heard the parties and their witnesses, the said Minister shall order such entry or cancellation, or both, to be made as he shall deem just; in the absence of the said Minister, his Deputy may hear and determine the case and make such entry or cancellation or both, as to right and justice may appertain; and any error in registering Trade Marks Marks or any oversight about conflicting registrations of Trade Marks may be settled in the same manner.

Penalty for illegal use of Trade Mark.

16. If any person, other than the party who has registered the same, marks any goods or any article of any description whatever with any Trade Mark registered under the provisions of this Act, or with any part of such Trade Mark, whether by applying such Trade Mark or any part thereof to the article itself or to any package or thing containing such article, or by using any package or thing so marked which has been used by the proprietor of such Trade Mark, or knowingly sells or offers for sale any article marked with such Trade Mark, or with any part thereof, with intent to deceive and to induce persons to believe that such article was manufactured, produced, compounded, packed or sold by the proprietor of such Trade Mark, he shall be guilty of a misdemeanor, and, on conviction thereof, shall forfeit, for each offence, a sum not less than *twenty dollars* and not exceeding *one hundred dollars*, which amount shall be paid to the proprietor of such Trade Mark, together with the costs incurred in enforcing and recovering the same; Provided always, that every complaint under this section shall be made by the proprietor of such Trade Mark, or by some one acting on his behalf and duly authorized thereto.

Proviso

Suit may be maintained by proprietor.

17. A suit may be maintained by any proprietor of a Trade Mark against any person using his registered Trade Mark, or any fraudulent imitation thereof, or selling articles bearing such Trade Mark or any such imitation thereof, or contained in packages being or purporting to be his, contrary to the provisions of this Act.

Register may be inspected.

18. Any person may be allowed to inspect the Register of Trade Marks and the Minister of Agriculture may cause copies or representations of Trade Marks to be delivered, on the applicant for the same paying the fee or fees hereinbefore provided,

Clerical errors not to invalidate.

19. Clerical errors happening in the drawing up or copying of any instrument under this Act shall not be construed

as invalidating the same, and when discovered they may be corrected under the authority of the Minister of Agriculture.

INDUSTRIAL DESIGNS.

Register of industrial designs to be kept.

20. The Minister of Agriculture shall cause to be kept in his office a book to be denominated "The Register of Industrial Designs," in which any proprietor of a Design may have the same registered by depositing with the said Minister a drawing and description in duplicate of such Design, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof; and the said Minister of Agriculture, on receipt of the fee hereinafter provided, shall cause the said Design to be examined to ascertain whether it resembles any other Design already registered; and if he finds that such Design is not identical with, or does not so closely resemble any other Design already registered as to be confounded therewith, he shall register the same, and shall return to the proprietor thereof one copy of the drawing and description, with a certificate signed by the Minister or his Deputy to the effect that the said Design has been duly registered in accordance with the provisions of this Act; and there shall be further stated in such certificate the day, month and year of the entry thereof in the proper Register; and every such certificate purporting to be so signed shall be received *prima facie* in all Courts of Law or of Equity in Canada, as evidence of the facts therein alleged, without proof of the signature.

Registration.

Minister may make rules and adopt forms.

21. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make rules and regulations and adopt forms for the purposes of this Act, as respects industrial designs, and such rules, regulations and forms circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act, and all documents executed according the same, and accepted by the Minister of Agriculture, shall be held valid so far as relates to official proceedings under this Act.

Duration of right.

Renewal.

22. The exclusive right acquired for an Industrial Design by the Registration of the same as aforesaid shall be valid for the term of five years, subject to a renewal at or before the expiration of the said period of five years, on payment of the fee hereinafter prescribed, for a further period of five years or less, so as that the whole duration shall not exceed ten years in all.

Conditions as to registration.

23. Every Design to be protected must be registered before publication; and, after registration, the name of the proprietor, who must be a resident of Canada, shall appear upon the article to which his Design applies; if the manufacture be a woven fabric, by printing upon one end; if another substance, at the edge or upon any convenient parts, the letters Rd., with the mention of the year of the registration; the mark may be put upon the manufacture by

making it on the material itself, or by attaching thereto a label containing the proper marks.

Who shall be deemed the proprietor.

24. The author of the Design shall be considered the proprietor thereof, unless he has executed the design for another person, for a good or valuable consideration, in which case such other person shall be considered the proprietor, and shall alone be entitled to register it; but his right to the property shall only be co-extensive with the right which he may have acquired.

Designs to be assignable in whole or in part.

25. Every Design shall be assignable in law, either as to the whole interest or any undivided part thereof, by an instrument in writing, which shall be recorded in the office of the Minister of Agriculture, on payment of the fees hereinafter provided; and every proprietor of a Design may grant and convey an exclusive right, under any copyright, to make, use and vend, and to grant to others the right to make use and vend such Design within and throughout Canada, or any part thereof, for the unexpired term of its duration, or any part thereof; which exclusive grant and conveyance shall be called a license, and shall be recorded in the same manner and within the same delay as assignments.

Exclusive use design.

26. During the existence of the exclusive right, (whether it be of the entire or partial use of such Design), no person shall, without the license in writing of the registered proprietor, or of his Assignee, as the case may be, apply such Design, or a fraudulent imitation thereof, to the ornamenting of any article of manufacture, or other article to which an industrial design may be applied or attached, for the purposes of sale, or publish, sell or expose for sale or use any such article as aforesaid, to which such design or fraudulent imitation thereof has been applied, on pain of forfeiture of not less than *twenty dollars*, and not exceeding *one hundred and twenty dollars*, to the proprietor of the design, and costs—to be recovered by the registered proprietor, or his assignee, by suit, in any Court, having jurisdiction in civil suits to a like amount.

Penalty for infringement.

Penalty for falsely representing articles as bearing registered design.

27. Every person placing the word "registered," or the letters "Rd.," upon any article for which no design has been registered, or upon any article for the design of which the Copyright has expired, or advertising the same for sale as a registered article, or unlawfully selling, publishing, or exposing for sale such article, knowing the same to have been fraudulently marked or that the Copyright therefor has expired, shall forfeit for every offence a sum not less than *four dollars* and not exceeding *thirty dollars*, to be recovered in the same manner as forfeitures under the next preceding section, and that by any person whatever, who shall receive one-half the amount of the said last mentioned penalty, on the recovery of the amount which the offender may have been condemned to pay.

Suit may be maintained by proprietor.

28. A suit may be maintained by the proprietor of any design for the damages he has sustained by the application

or imitation of the design, for the purpose of sale, against any person so offending, he (the offender) knowing that the proprietor of the design had not given his consent to such application.

Proceedings in case of wrongful registration.

29. If any person, not being the lawful proprietor of a design, be registered as proprietor thereof, the rightful owner may institute an action in the Superior Court in the Province of Quebec, in the Court of Queen's Bench or of Common Pleas in the Province of Ontario, and in the Supreme Court in the Provinces of Nova Scotia, New Brunswick, or Prince Edward Island, or in the Court of Queen's Bench in Manitoba, as the case may be, and the Court having cognizance of such suit may, if it appear that the design has been registered in the name of a wrong person, either direct the registration to be cancelled, or that the name of the lawful proprietor shall be substituted for the name in the register, with costs in its discretion; and on application by the Plaintiff supported by affidavit, it shall be lawful for any such Court, pending such action or proceedings, at its discretion, to issue an order upon the defendant prohibiting the use of such design, pending such suit or proceedings, under pain of being held in contempt of such Court.

Consequent alteration of register.

30. The Minister of Agriculture, after due service of such order and payment of the fee hereinafter provided, shall cause such alteration to be made in the Register respecting industrial designs, as shall be directed by order made under the next preceding section.

Time for suits limited.

31. All proceedings, under the preceding sections of this Act, shall be brought within twelve months from the commission of the offence, and not after; nor shall any of the provisions of this Act apply to protect any design which does not belong to a person resident within Canada, and is not applied to a subject matter manufactured in Canada.

Certificate on copy returned and effect thereof.

32. On the copy returned to the person registering, a certificate shall be given, signed by the Minister or by his Deputy, shewing that the design has been registered, the date of registration, the name of the registered proprietor, his address, the number of such design, and the number or letter employed to denote or correspond with the registration, which said certificate, in the absence of proof to the contrary, shall be sufficient proof of the design, of the name of the proprietor, of the registration, of the commencement and period of registry, of the person named as proprietor being proprietor, of the originality of the design, and of compliance with the provisions of this Act; and generally the writing purporting to be so signed shall be received *prima facie* as evidence of the facts therein stated, without proof of the signature.

Register may be examined.

33. Any person may be allowed to inspect the Register of Industrial Designs; and the Minister may cause copies or representations of Industrial Designs to be delivered, on the

applicant for the the same paying the fee, which shall be deemed sufficient for the purpose of having the same copied or represented.

Registration may be refused in certain cases.

34. The Minister of Agriculture shall have power to refuse to register such designs as do not appear to him to be within the provisions of this Act, or when the design is contrary to public morality or order, subject, however, to appeal to the Governor in Council.

Clerical errors may be corrected.

35. Clerical errors happening in the drawing up or copying of any instrument respecting an iudustrial design, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture.

Fees payable.

[**36.** Before any action is taken in relation to an application for registering an Industrial Design, the following fees shall be payable into the hands of the Minister of Agrisulture, to wit :—

On every application to register a design, including certificate	$5 00
On every application for an extension of time, including certificate, for each year of such extension	2 00
For copy of each certificate of registration, separate from the return of the duplicate hereinbefore mentioned	1 00
For the recording of an assignment as hereinbefore provided	2 00
For office copies of documents, not above mentioned per every hundred words or less	0 50
For each copy of any drawn copy of an industrial design, the reasonable expense of preparing the same.	

All of which fees shall be paid over by the Minister of Agriculture to the Receiver General of Canada: Provided always, that in case of refusal to register the Industrial Design for which application is made, the fee shall be returned to the applicant or his agent, with the exception of the sum of two dollars, to be retained in compensation of office expenses.]

GENERAL PROVISIONS.

Application.

37. The foregoing sections one to nineteen both inclusive, apply only to Trade Marks, and the sections twenty to thirty-six both inclusive, apply only to Industrial Designs; the following sections are of general application to all the subjects of the Act.

Certain Acts repealed : 35 V., c. 55, 39 V., c. 35 But not 35 V., c. 32.

38. The Act thirty-first Victoria, chapter fifty-five and the Act thirty-ninth Victoria, chapter thirty-five, respectively intituled : "*An Act respecting Trade Marks and Industrial Designs*," and "*An Act to amend* "*The Trade Marks and*

Design Act of 1868," and all Acts or parts of Acts concerning Trade Marks or Industrial Design are hereby repealed, with the exception of the Act thirty-fifth Victoria, chapter thirty-two intituled : "*An Act to amend the law relating to the fraudulent marking of merchandise.*." Provided always that all registrations made under such Acts and all rights acquired thereby shall remain good and valid, and assignable in law, and all liabilities, penalties and forfeitures incurred or to be incurred under the same, may be sued for and enforced, and all prosecutions or suits commenced before the passing of this Act for enforcing any such liabilities, penalties or forfeitures already incurred may be continued and completed, and entries and registrations under the said Acts respectively may be cancelled, as if the said Acts and parts of Acts had not been repealed. Proviso.

39. For all the purposes of the Act of the late Province of Canada, twenty-fourth Victoria, chapter twenty-one, so far as the same remains in force after the passing of this Act, the Deputy of the Minister of Agriculture shall remain substituted for the Secretary of the Board of Registration and Statistics mentioned in the said Act, and shall have all the powers and duties of that officer. Officer substituted: 24 V. (Canada), c. 21.

40. In citing this Act, it shall be sufficient to call it "*The Trade Marks and Design Act of* 1879." Short title.

No. 82.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act respecting Trade Marks and Industrial Designs.

Received and read first time, Thursday, the 17th April, 1879.

Second reading, Friday, 18th April, 1879.

Mr. POPE,
(Compton.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

1879.

83

An Act to amend the Act known as "The Canada Temperance Act, 1878," so far as the same may become applicable to the Province of Manitoba.

WHEREAS it has been found that under the present county organization in the Province of Monitoba, the Canada Temperance Act 1878 cannot properly be brought before the people inhabiting the rural districts: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:—

1. Wherever in the Canada Temperance Act 1878 the word "county" is used, it shall be regarded as applying to the Electoral Districts in the Province of Manitoba, in accordance with the divisions of the said Province at the general election of 1878, for the House of Commons, except the Electoral District of Selkirk, from which for the purposes of the said Act the City of Winnipeg is to be regarded as separate: Provided always, that at any future time when the said Province shall have been divided into counties, and a regular municipal organization established in each of the then counties, the said Act as it now stands shall be applied to the then counties as in the other Provinces of the Dominion.

2. The notice provided for in section six of the said Act shall be deposited in the Registry Offices in the respective Electoral Districts, or in the Sheriffs' Offices in such districts.

3. In the schedules of the said Act where the word "county" occurs, it shall, so far as the Province of Manitoba is concerned, be regarded as meaning "Electoral District," until such time as the Province shall have been divided as contemplated in the proviso in section one of this Act.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1879.

No. 84.] **BILL.** [1879.

An Act to repeal "The Supreme and Exchequer Court Act," and the Acts amending the same.

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

1. The Act passed in the thirty-eighth year of Her Majesty's reign, chapter eleven, intituled: "*An Act to establish a Supreme Court and a Court of Exchequer for the Dominion of Canada*," is hereby repealed. Act 38 V. c. 11, repealed

2. The Act passed in the thirty-ninth year of Her Majesty's reign, chapter twenty-six, intituled: "*An Act to make further provision in regard to the Supreme Court and Exchequer Court, of Canada*," is hereby repealed. Act 39 V. c. 26, repealed.

3. The Act passed in the fortieth year of Her Majesty's reign, chapter twenty-two, intituled: "*An Act to amend the Act to make further provision in regard to the Supreme and Exchequer Courts*," is hereby repealed. Act 40 V. c. 22, repealed.

No. 84.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to repeal "The Supreme and Exchequer Court Act," and the Acts amending the same.

Received and read the first time, Monday, 21st April, 1879.

Second reading, Wednesday, 23rd April, 1879.

Mr. KEELER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

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MEMORANDUM.

In most commercial countries the opinion prevails, that in the interest of commerce, remedies, beyond those of the common law, should be provided in favor of the creditors of a trader :—

1. To place the assets of the debtor in the hands of a trustworthy custodian *at the earliest possible moment* after his insolvency appears.

2. To discover and set aside all payments or settlements giving any creditor a preference over other creditors, and for this purpose to give power to examine the debtor and others

3. To discover the debtors of the insolvent and to recover the amounts they owe him, and for that and other purposes to obtain possession of his books.

4. To provide a convenient mode of realising the assets of the estate for the common benefit of the creditors.

5. To obtain the appointment of a proper person to carry out the liquidation of the estate.

And, on the other hand, that a trader debtor should have some mode of relief from his indebtedness, if he has been honest in the conduct of his business and in surrendering his assets.

All Insolvency and Bankruptcy Acts rest on these principles, and their efficiency depends upon the success with which the results sought for, and others incidental to them, are attained.

The Insolvency Acts of 1864, 1869 and 1875 contain, practically, the same provisions on all these points, and experience has shewn that, while the remedies they afford to the creditor for obtaining possession of the assets of the estate, and information as to its condition, and for checking fraudulent preference, are efficient, the relief they offer to the debtor, and and the facility with which he can recover back his estate, offer too great temptations to speculative insolvency ; and that the absence of supervision over assignees has led to the the grossest extravagance, or worse, in the management of estates. These evils have reached such proportions that a very general demand is made for the repeal of the entire Acts, though in reality the creditor's remedies for obtaining possession of the estate are in the main satisfactory ; and it is in fact the *mis*management of estates, and the *abuse* by insolvents of the privileges granted by the Act in their favor, that require to be prevented.

In attempting the solution of the difficulty thus presented, these leading objects have been kept in view in consolidation and amendment of the existing law, namely :—

1. To preserve all the provisions for the remedial purposes already described that have been found effective, arranging and simplifying them as much as possible.

2. To improve the administration of the estate while in the hands of the assignee, and to reduce its cost.

3. To diminish the facilities now possessed by a debtor for obtaining his discharge.

4. To deprive him altogether of the power of getting back his estate, leaving it to be divided among the creditors.

5. To provide additional supervision over the insolvent and the assignee.

For these purposes the three Acts now in force have been consolidated. Every section has been scrutinized, simplified where possible, redundancies of language removed, and difficulties of construction and ambiguities corrected.

With regard to the administration of the estate; the official assignees have been abolished; provision has been made for appointing custodians of the estate while the meeting is being called to appoint the permanent trustee; these custodians make no disbursements, exercise no discretionary power, and are incapable of being made trustees, or of taking part directly or indirectly in the winding up of the estate. And a moderate tariff of fees is prepared for their remuneration, which they cannot exceed.

The duties of the trustee are better defined, and security by him is better provided for. His remuneration is fixed, his disbursements restricted, his dealings with the funds of the estate are regulated, and their more effectual safe-keeping provided for. Severe penalties are inflicted for the retention of funds, for over charges and other misconduct, and the jurisdiction of the judge over him is made more simple, summary and complete.

The debtor can only get his discharge by the consent of four-fifths in number and value of his creditors, exclusive of his relatives.

The deed of composition and discharge, and the sale *en bloc*, which have proved such fertile sources of fraud and imposition, are done away with.

The grounds of opposition to discharge, and the precautions for ascertaining the conduct of the insolvent, are increased and expanded.

The provisions respecting leases, have been simplified and rendered more equitable: and the proceedings for the sale of real estate in the Province of Quebec, and for the protection of mortgage creditors, are improved in many important particulars.

The effect of the discharge is limited, and provisions are made for the protection of farmers, and of the poorer class of creditors, and of non-traders generally.

As to supervision, the appointment of a judge in insolvency has been provided for in the more important centres of trade.

These are the leading features of the amendments to the existing law, and they are so framed as to preserve what is good and well understood in the present law; to supplement it where it has been found defective, and to deal trenchantly and severely with the numerous and extensive abuses which have crept into its administration. And while it attains these objects, the Bill submitted is still about forty sections shorter than the Act of 1875, and its amendments.

No. 85.] **BILL.** [1879.

An Act to repeal the Insolvent Act of 1875, and the Acts amending it, and to make provision for the liquidation of the estates of Insolvent Debtors.

NOTE.—*The words in Italics are new.*

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 apply to traders, and to trading co-partnerships, and to trading companies whether incorporated or not, except incorporated banks, insurance, railway, and telegraph companies. Application of Act.

The following persons and partnerships or companies exercising like trades, callings or employments, shall be held to be traders within the meaning of this Act:— Who are Traders under this Act.

Apothecaries, auctioneers, bankers, brokers, brickmakers, builders, carpenters, carriers, cattle or sheep salesmen, coach proprietors, dyers, fullers, keepers of inns, taverns, hotels, saloons or coffee-houses, lime burners, livery stable keepers, market gardeners, millers, miners, packers, printers, quarrymen, sharebrokers, shipowners, shipwrights, stockbrokers, stock-jobbers, victuallers, warehousemen, wharfingers, persons insuring ships or their freights or other matters against perils of the sea, persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail, and persons who, either for themselves, or as agents or factors for others, seek their living by buying or selling, or buying or letting for hire, goods or commodities, or by the workmanship or the conversion of goods or commodities, or trees; but a farmer, grazier, common laborer, or workman for hire shall not, nor shall a member of any partnership, association or company which cannot be adjudged insolvent under this Act, be deemed as such a trader for the purpose of this Act. Proviso.

All such persons, co-partnerships, or companies, having been traders as aforesaid, and having incurred debts as such, which have not been barred by the statutes of limitations or prescribed, shall be held to be traders within the meaning of this Act; but no proceedings in liquidation shall be taken against such trader, based upon any debt or debts contracted after he has so cased to trade. As to persons having been traders. Proviso.

2. The word "County" shall mean a county or union of counties; and shall include any judicial district in Ontario not organized into a county; and for all the purposes of this Act the temporary judicial district of Nipissing in the Interpretation: County. District of Nipissing.

Province of Ontario, shall be taken and considered as part of the County of Renfrew, and so much of the territory comprising the territorial district of Parry Sound and the territoral district of Muskoka as is not already included in the judicial county of Simcoe, shall be taken and considered as part of the said judicial county of Simcoe ; and all persons and Courts having authority or jurisdiction in the said counties of Renfrew and Simcoe respectively under this Act, shall have like authority and jurisdiction in the said district of Nipissing and the said districts of Parry Sound and Muskoka respectively. And the word "district" shall mean a district as defined for judicial purposes by the Legislature of the Province wherein the same is situate.

District of Muskoka.

District.

Date of Insolvency.

a. The words "date of Insolvency" shall mean the date of service of the demand of assignment or of the writ of attachment, as the case may be.

Official Gazette.

b. The words "Official Gazette" shall mean the Gazette published under the authority of the Government of the Province where the proceedings in Insolvency are carried on, or used as the official means of communication between the Lieutenant-Governor and the people, and if no such Gazette is published, or if such Gazette is not, in the opinion of the Court or Judge, published with sufficient frequency to enable the required notice to be conveniently published therein, then it shall mean any newspaper published in the County, District or Province, which shall be designated by the Court or Judge for publishing the notices required by this Act.

Court.

c. The word "Court" shall mean the Superior Court in the Province of Quebec, the Court of Queen's Bench in the Province of Manitoba, and the County Courts in the Provinces of Ontario, New Brunswick, British Columbia, Prince Edward Island, and Nova Scotia. *And when a Judge in Insolvency has been appointed under this Act the word "Court" shall also mean such Judge in Insolvency.*

Judge.

d. The word "Judge" shall mean a Judge of the said Courts respectively, having jurisdiction in the County or District where proceedings shall be had under this Act, and shall also include *a Judge in Insolvency, and* a Junior and Deputy Judge when such are appointed.

Debtor.

e. The word "Debtor" shall mean any person or persons, co-partnership, company or corporation having liabilities, and being subject to the provisions of this Act.

Claim.

f. The word "Claim" shall mean a claim or debt for which the creditor does not hold security subject to valuation under the provisions of this Act, or such portion of a secured claim as shall be in excess of such valuation ; and the words "secured claim" shall mean a claim for which the creditor holds security under the said provisions, to the extent of such valuation of such security. But if any person becoming insolvent under this Act has been in insolvency under any of the Acts hereby repealed, and has made a composition with his creditors thereunder, the amount remaining unpaid of such composition shall be the only amount provable as a claim under this Act.

Secured claim.

Clerk.

g. The word "Clerk" shall mean the Prothonotary or Clerk of the Court, having jurisdiction where proceedings under this Act are being carried on, as the case may be.

h. The word "Insolvent" shall mean a debtor who has become subject to the provisions of this Act. Insolvent.

i. The words "before Notaries" or "before a Notary," shall mean executed in notarial form, according to the laws of the Province of Quebec. Notary.

j. The word "Creditor" shall mean every person, co-partnership or company to whom the Insolvent is liable whether primarily or secondarily, and whether as principal or surety;—but when used with reference to proceedings at meetings in Insolvency, to the right of voting, to the *proportion in number of creditors who have executed* a consent to the discharge of an Insolvent, *who have become parties* to any other consent or action with regard to the management and disposal of the estate of an Insolvent, *or to any proceedings by a creditor before any Court or Judge;* the word "Creditor" shall mean a person, co-partnership or company whose unsecured claims, to an amount of one hundred dollars or upwards, have been proved in the manner provided by this Act; and with regard to the consent to the discharge of an Insolvent, no creditor whose claim is not affected by such *consent, or by the discharge thereby effected*, shall be reckoned as one of the required number of creditors, nor shall his claim be reckoned as forming part of the proportion of claims required to give effect to such discharge. For all the purposes of this Act the required amount of the creditor's claim shall be over and above any set-off or counter-claim of the debtor against such creditor *validly held by the debtor against the creditor at the date of Insolvency, whether overdue or not*; and every affidavit of indebtedness made by any creditor shall be construed as made in this sense. Creditor. When used as to voting, consent as to discharge, &c. What to mean. Claim to be over and above set-off or counter claim.

k. The word "collocated" shall mean ranked or placed in the dividend sheet for some dividend or sum of money. Collocated.

l. The word "Guardian" shall mean the person or official entrusted with the care and guardianship of an estate in insolvency, between the date of insolvency and the appointment of a Trustee by the creditors, or by the Court or Judge. The word "Trustee" shall mean the person so appointed for the winding up of the estate. Guardian. Trustee.

3. A debtor shall be deemed insolvent— Acts of insolvency.

a. If he has called a meeting of his creditors for the purpose of compounding with them, or if he has exhibited a statement shewing his inability to meet his liabilities, or if he has deposited with the Clerk, *or delivered to any creditor, a declaration in writing expressly acknowledging his insolvency;* Acknowledging insolvency.

b. If he has absconded, or is immediately about to abscond, from any Province in Canada with intent to defraud any creditor, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process; or if, being out of any such Province of Canada, he so remains with a like intent; or if he conceals himself within the limits of Canada with a like intent; Absconding. Concealment.

c. Or if he 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 to delay their remedies against him or any of them; Secreting effects.

Fraudulently assigning.

d. Or if he 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 ;

Conniving at seizure under proeess or exceptions.

e. Or with such intent he has procured 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, founded upon a demand in its nature proveable under this Act, and for a sum exceeding two hundred dollars, and if such process is in force and not discharged by payment or in any manner provided for by law ;

Being imprisoned.

f. Or if he has been actually imprisoned or upon the gaol limits for more than thirty days, in a civil action founded on contract for the sum of two hundred dollars or upwards, and still is so imprisoned or on the limits ; or if, in case of such imprisonment, he has escaped out of prison, or from custody, or from the limits ;

Escaping from custody, &c.

Default to appear for examination.

g. Or if he wilfully neglects or refuses to appear, on any rule or order requiring his appearance, to be examined as to his debts under any statute or law in that behalf ;

Disobeying rule for payment of debt.

h. Or if he wilfully refuses or neglects to obey or comply with any such rule or order made for payment of his debts or of any part of them ;

Or decree, &c.

i. Or if he wilfully neglects or refuses to obey or comply with an order or decree of the Court of Chancery or of any of the judges thereof, for payment of money ;

Making assignment, sale or conveyance otherwise than under this Act, &c.

j. Or if he has made any general conveyance or assignment of his property for the benefit of his creditors, otherwise than in the manner prescribed by this Act ; or if, 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, or without satisfying their claims ;

Allowing execution to be unsatisfied.

k. Or if he permits any execution issued against him, under which any of his chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within four days of the time fixed by the Sheriff or officer for the sale thereof, or for fifteen days after such seizure ;

Proviso as to costs.

subject however, to the privileged claim of the seizing creditor for the costs of such execution, and also to his claim for the costs of the judgment under which such execution has issued, which shall constitute a lien upon the effects seized, or shall not do so, according to the law as it existed previous to the passing of this Act, in the Province in which the execution shall issue ;

No chattels which can be seized.

l. Or if, upon the issue of a writ of execution against him, the officer charged with such writ, having demanded payment and in default thereof required him to point out any effects susceptible of being seized thereunder, is unable to find any chattels, land or property which can be seized thereunder ; and such writ remains unsatisfied for fifteen days after such demand.

Institution of action *en séparation de biens*, in the Province of Quebec.

m. Or, if in the Province of Quebec, he has been sued by his wife, en séparation de biens, on the ground that he is unable to pay his debts in full, or that he is dissipating his estate and effects : and if such suit has been actually returned into Court and proceeded upon.

4. If a debtor ceases to meet his liabilities generally as they become due, any one or more of his creditors for unsecured claims of not less than one hundred dollars each, and amounting in the aggregate to five hundred dollars, may make a demand upon him either personally, or at his chief place of business, or at his domicile upon some grown up person of his family or in his employ, (Form A.) requiring him to make an assignment of his estate and effects for the benefit of his creditors. But the said demand shall not be made until the creditor or creditors making the same shall have filed with the clerk or prothonotary of the court, in which the proceedings in liquidation (if any) will be carried on, his or their affidavit verifying his or their debt or debts, and declaring that he or they is not or are not acting in collusion with the debtor, or to procure him any undue advantage as against his creditors.

When creditors may demand an assignment.

Form.

Affidavit required.

The creditor or creditors making such demand of assignment shall in such demand elect and appoint a domicile within the district or county in which such affidavit is filed, at which domicile service of any answer, notice or proceeding may be made on him or them, and the said clerk or prothonotary shall keep the original affidavit and give a certified copy to the creditor or creditors, and such copy shall be annexed to the notice served on the debtor.

Creditors demanding assignment must elect a domicile.

Copies of affidavit.

5. If the debtor, on whom such demand is made, contends that the same was not made in conformity with this Act, or that his estate is not subject to liquidation under this Act, or that the claims of such creditor or creditors do not amount to one hundred dollars each or to five hundred dollars in the aggregate, or that they were procured in whole or in part for the purpose of enabling such creditor or creditors to take proceedings under this Act, or that the stoppage of payment by such debtor was only temporary and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such debtor to meet his liabilities, he may, after notice to such creditor or creditors, but only within five days from such demand, present a petition to the judge praying that no further proceedings under this Act may be taken upon such demand, and, after hearing the parties and such evidence as may be adduced before him, the judge may grant or reject the prayer of his petition, with or without costs against either party; but if it appears to the judge that such demand has been made without reasonable grounds, and merely as a means of enforcing payment under color of proceeding under this Act, he may condemn the creditor or creditors making it to pay treble costs.

Judge may on petition annul demand if claims do not amount to $500, &c.

Or if stoppage be only temporary and not fraudulent.

Proviso: as to costs.

6. If at the time of such demand the debtor was absent from the Province wherein such service was made, application may be made to the judge on his behalf, after due notice to the creditor or creditors, within the said period of five days, for an enlargement of the time for either contesting such demand or for making an assignment; and thereupon, if such debtor has not returned to such Province, the judge may make an order enlarging such period and fixing the delay within which such contestation or assignment shall

Judge may enlarge time for contestation of demand or assignment.

Proviso.

be made ; but such enlargement of time may be refused by the judge if it be made to appear to his satisfaction that the same would be prejudicial to the interest of the creditors.

When debtor's estate to become subject to liquidation.

7. If such petition be rejected, or if, while such petition is pending, the debtor, without the leave of the judge, or otherwise than on the terms prescribed by him, continues his trade, or proceeds with the realization of his assets, or if no such petition be presented within the aforesaid time, and the debtor during the same time neglects to make an assignment of his estate and effects for the benefit of his creditors, as hereinafter provided, his estate shall become subject to liquidation under this Act.

Time for commencing proceedings in liquidation limited.

8. No proceedings shall be taken under this Act to place the estate of an insolvent in liquidation, unless the same are taken within three months next after the act or omission relied upon as subjecting such estate thereto ; nor after a writ of attachment in liquidation has been issued, while it remains in force; nor after an assignment has been made under this Act

WRITS OF ATTACHMENT, &C.

Affidavits by parties demanding Writ.

9. Any creditor upon his affidavit, or that of his clerk, or other duly authorized agent, that a trader is indebted to him in a sum proveable in insolvency of not less than two hundred dollars, over and above the value of any security which he holds for the same, and provided the affidavit or affidavits filed disclose such facts and circumstances as shall satisfy the Judge in the county, or district, as the case may be, in which such trader has his chief or one of his principal places of business, that such trader is insolvent, and that his estate has become subject to liquidation under the provisions of this Act, and that he does not act in the premises in collusion with such trader nor to procure him any undue advantage against his creditors (Form B), shall be entitled to a writ of attachment (Form C) against the estate and effects of such trader, addressed to a *Guardian* of the county or district in which such writ shall issue, requiring such Guardian to seize and attach the estate and effects of such trader, and to summon him to appear before the court or judge to answer the premises. Concurrent writs of attachment may be issued when required, addressed to a *Guardian* of other counties or districts in any part of the Dominion other than the county or district in which the same shall be issued. Such writs shall be subject as nearly as can be to the rules of procedure of the court in ordinary suits, as to their issue and return, and as to all proceedings subsequent thereto before any court or judge.

Writ of Attachment.

Concurrent Writs.

Procedure.

Return of Writ.

10. Writs of attachment shall be made returnable forthwith after the execution thereof, and it may be provided by *any rule of practice to be made in that behalf*, that such writ shall be made returnable on a day certain to be declared by the terms thereof, and such writ *shall be served by the*

Guardian either in person or by a deputy appointed by such Guardian for the purpose. And such service shall be made in the manner provided for the service of an ordinary writ of summons in the Province where the same is to be made; and if the debtor remains without such Province, or conceals himself within such Province, or has no domicile in any Province of the Dominion, or absconds from his domicile, in every such case service shall be made by such notice or advertisement as the judge, or in the Province of Quebec the judge or prothonotary, may order. Concurrent writs of attachment issued against a debtor may be executed without being previously served upon him, except in cases where such debtor has his domicile or a place of business in the county or district in which the same is to be executed, *in which case* the writ *shall* be served at such domicile or place of business.

Service of Writ how made.

And of Concurrent Writs.

11. *The Guardian* shall, under such writ of attachment, seize and attach all the estate, property and effects of the Insolvent within the limits of the county or district for which he is appointed, including his books of account, moneys, securities for moneys, and all his office or business papers, documents, and vouchers of every kind and description; and shall return with the writ a report under oath stating in general terms his proceedings on such writ. And immediately upon the service of a writ of attachment issued under this Act, the *Guardian* shall give notice of the issue thereof by advertisement (Form D) to be inserted once in the Official Gazette, and once in one local or the nearest published newspaper.

Duty of Guardian executing Writ.

Report on oath.

Notice of issue of Writ.

12. If the *Guardian* is unable to obtain access to the interior of the house, shop, store, warehouse or other premises of the Insolvent, by reason of the same being locked, barred, or fastened, such *Guardian* is hereby authorized forcibly to open the same in the presence of at least one witness, *making special mention thereof in his return.*

Guardian may break open house, &c.

13. The Insolvent may present a petition to the judge *on the return day of the writ of attachment if such return day be not less than five days after the service of the writ, and otherwise* at any time within five days from the service of the writ; and may thereby pray for the setting aside of the attachment made under such writ, for want of, or for a substantial insufficiency in, the affidavit required by section nine; or on the ground that the party at whose suit the writ was issued has no claim against him, or that his claim does not amount to two hundred dollars beyond the value of any security which he holds, or is not proveable in insolvency, or that his estate has not become subject to liquidation; or if the writ of attachment has issued against a debtor by reason of his neglect to satisfy a writ of execution against him as hereinbefore provided, then on any of the above grounds or on the ground that such neglect was caused by a temporary embarrassment, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such debtor to meet

Petition by Insolvent to set aside attachment.

Various grounds of.

Hearing in such case.

Judgment final.

his liabilities; and such petition shall be heard and determined by the Judge in a summary manner, and conformably to the evidence adduced before him thereon; and the judgment, subject to appeal as hereinafter provided, shall be final and conclusive.

ASSIGNMENTS AND PROCEEDINGS THEREON.

Assignment, when and to whom it may be made, &c.

14. A debtor on whom a demand of assignment is made as provided by this Act, may make an assignment of his estate to a *Guardian* appointed for the county or district wherein he has his domicile, or wherein he has his chief place of business, if he does not reside in the county or district wherein he carries on his business; and in case there is no *Guardian* in the county or district where he resides or wherein he carries on his business, then to a *Guardian* for the nearest adjoining county or district; but such assignment may be set aside or annulled by the court or judge for want of, or for a substantial insufficiency in, the affidavit required by section four, on the summary petition of a creditor to the amount of not less than one hundred dollars, of which petition notice shall be given to the debtor and to the creditor who made the demand of assignment, within eight days from the publication of the notice thereof in the Official Gazette.

May be set aside for insufficiency in affidavit, &c.

Form of assignment.

15. The assignment mentioned in the next preceding section may be in the form E; and in the Province of Quebec the deed of assignment may be received by a notary in authentic form.

Property and powers of Insolvent vested in Guardian to whom assignment is made.

16. Whenever an Insolvent has made an assignment, or a writ of attachment has issued, such assignment, or such writ shall, *until the appointment of the Trustee*, vest in the *Guardian to whom the same is made, or who is charged with the execution thereof, as the case may be*, all right, title and interest which the insolvent has in and to any real or personal property, including his books of account, all vouchers, letters, accounts, titles to property and other papers and documents relating to his business and estate, all moneys and negotiable papers, stocks, bonds and other securities, and generally all assets of any kind or description whatsoever which he may be possessed of or entitled to; and the *Guardian* shall hold the same in trust for the benefit of the Insolvent and his creditors and subject to the orders of the court or judge; and he may upon such order and before any meeting of the creditors, institute any conservatory process or any proceeding that may be necessary for the protection of the estate; he may also, upon such order, sell and dispose of any part of the estate and effects of the Insolvent which may be of a perishable nature. But such assignment or writ of attachment shall not vest in the *Guardian* such real and personal property as are exempt from seizure and sale under execution, by virtue of the several Statutes in that case made and provided in the several Provinces of the Dominion re-

Conservatory proceedings.

Certain personal property excepted.

spectively, nor the property which the Insolvent holds as trustee for others.

Insolvent to furnish Guardian with a statement of his liabilities, assets, &c.

17. The Insolvent shall, within seven days from the date of the assignment, or from the date of the service of the writ of attachment, or if the same be contested then within seven days from the date of the judgment rejecting the petition to have it quashed, furnish the *Guardian* with a correct statement, (Form F) of all his liabilities, direct or indirect, contingent or otherwise, indicating the nature and amount thereof, together with the names, additions and residences of his creditors and the securities held by them, in so far as may be known to him. The Insolvent shall also furnish within the same delay a statement of all the property and assets vested in the *Guardian* by the deed of assignment or by the writ of attachment issued against him, and such statement shall in all cases include a full, clear, and specific account of the causes to which he attributes his Insolvency, and the deficiency of his assets to meet his liabilities. The Insolvent may at any time correct or supplement the statements so made by him of his liabilities and of his property and assets. And the *Guardian* shall forward by mail, prepaid and registered, at least seven days before the meeting takes place, a notice of such meeting, and a list of the Insolvent's creditors and the amount of their respective claims, to every creditor mentioned in the original or any corrected or supplementary list or statement furnished by the Insolvent, or who may be known to him to be a creditor.

What it must show.

Notice to each creditor by mail.

First meeting of creditors, time for calling, and how called.

18. Immediately after the assignment shall have been made, or in the case of the issue of a writ of attachment, immediately after the delay within which the attachment can be contested or immediately after the contestation has been rejected, or with the consent in writing of the Insolvent immediately after the writ has been returned, the *Guardian* shall call a meeting of the creditors of the Insolvent to be held within fifteen days, notice of which meeting, in the Form G, shall be published in accordance with the requirements of this Act; Provided always, that if the *Guardian* omits to call such meeting to be held within the time above limited the Judge shall, on application of the *Guardian* or of any creditor, order the meeting to be called for the earliest possible day thereafter; and should the said omission have arisen from the negligence of the *Guardian* the Judge shall order him to pay the costs of the application: Provided also, that on application of any creditor, the Judge, on being satisfied that there are creditors of the Insolvent whose claims amount to at least one-third of his direct liabilities, resident in any place whence their attested claims cannot with due diligence be received before the day of the meeting, may order that the meeting be adjourned to some day not more than two weeks thereafter. And thereupon a copy of the order shall forthwith be served on the *Guardian* who shall forthwith, by prepaid letter or circular, notify each creditor of the adjournment. And if such an order be made no business shall be

Proviso: Judge may call meeting.

Guardian liable for costs if negligent.

Proviso: Judge may order adjournment.

Creditors notified.

transacted at the meeting, which shall stand adjourned according to the terms of the order.

EXAMINATION OF THE INSOLVENT.

Insolvent to attend and be examined, and as to cause of failure especially.

19. The Insolvent shall be bound to attend at the first meeting of his creditors, and after making such corrections as he may deem proper to his statements of liabilities and assets, shall *then and there* attest the same under oath. He may also be examined at such meeting under oath administered by the *Guardian or Trustee, or by the Judge or Clerk*, by or on behalf of any creditor touching his affairs; and more especially as to the causes of his insolvency and the deficiency of his assets to meet his liabilities; *and such examination shall be then and there reduced to writing;* and the Insolvent shall sign such examination or declare the reasons why he refuses to sign, and the examination shall be attested by the *Guardian or Trustee.*

Attestation, &c., of examination.

Insolvent subject to further examination.

20. The Insolvent shall, at all times until he shall have obtained a confirmation of his discharge, be subject to the order of the Court or Judge, and to such other examination as the Judge may order, or as the Trustee, the Inspectors hereinafter mentioned, or the creditors may require; and he shall, at the expense of the estate, execute all proper writings and instruments, and perform all acts required by the Court or Judge touching his estate; and in case the Insolvent refuses to be sworn or to answer such questions as may be put to him, or to sign his answers *upon such or any other examination required by this Act, or to execute* such writings or instruments, or refuse to perform any of the acts lawfully required of him, such Insolvent may be committed and punished by the Court or Judge as for a contempt of Court.

Refusal to answer, &c., to be contempt of Court.

Examination of wife or husband of Insolvent, or other person.

21. The Court or Judge may also on the application of the *Trustee*, of the Inspectors, or of any creditor, order any other person, including the husband or wife of the Insolvent, to appear before the Court or Judge or before the *Trustee*, to answer upon oath any question which may be put to him or her touching the affairs of the Insolvent and his conduct in the management of his estate; and in case of refusal to appear or to be sworn, or to answer the questions submitted, such person may be committed and punished by the Court or Judge as for a contempt of Court. No person examined under this Act shall be excused from answering any such question on the ground of any privilege or that the answer would tend to criminate him, but no such answer shall be used against him as evidence in any criminal proceeding against him except only for perjury committed by such answer.

Answers not to be used in criminal proceedings.

GUARDIANS, TRUSTEES AND INSPECTORS.

Appointment of Guardians, Trustees, &c.

22. The Governor in Council may appoint in the several Provinces in Canada, one or more *Guardians* in and for every county, *city and town; and except in the larger centres of trade, the Sheriff of any county or district may be appointed*

a Guardian; but no Guardian, nor any partner, of associate, agent, employee or clerk, or relation, or connection of the Guardian within the degree of cousin german of any Guardian, nor any barrister, advocate, soliciior or attorney, shall be elected or appointed Trustee to any estate in insolvency under this Act, nor shall any Guardian, his partner, associate, agent, clerk, relation or connection as aforesaid, be employed by the Trustee in any other manner, directly or indirectly, in the winding up of the estate; and any Guardian directly or indirectly soliciting or inducing any creditor to take proceedings to place any estate in the hands of such Guardian, under this Act, shall not be entitled to any fees or remuneration from such estate, and shall also be incapable of acting thereafter in the office of Guardian.

Who shall not be appointed Trustees.

Penalty on Guardians guilty of solicitation for appointment.

23. Each person so appointed a *Guardian* shall hold office during pleasure, and before acting as such shall give security for the due fulfilment and discharge of his duties in a sum of two thousand dollars, if the population of the territorial jurisdiction for which he is appointed does not exceed one hundred thousand inhabitants, and in the sum of *four* thousand dollars if the population exceeds one hundred thousand,—such security to be given to Her Majesty for Her benefit and for the benefit of the creditors of any estate which may come into his possession under this Act; and in case any such *Guardian* fails to pay over the moneys received by him or to account for the estate, or any part thereof, the amount for which such *Guardian* may be in default may be recovered from his sureties by Her Majesty or by the creditors or by the Trustee entitled to the same, by adopting, in the several Provinces, such proceedings as are required to recover from the sureties of a Sheriff or other public officer. Provided always, that any person who may have become surety for a *Guardian*, when no longer disposed to continue his suretyship, may give notice thereof in writing to his principal, and also to the Secretary of State of Canada; and all accruing responsibility on the part of such person as such surety shall cease at the expiration of three months from the receipt of the last of such notices, or upon the acceptance by the Crown of the security of another surety whichever shall first happen; and the principal shall, within one month from the receipt of the last of such notices, give the security of another surety; but if it appears to the Governor in Council that the period so limited for giving the security of a new surety is, for any reason, insufficient, the Governor in Council may allow such further period for giving the security of such new surety as appears to him proper, but such further period shall in no case exceed two months.—And the *Guardian* may also be required to give in any case of insolvency such *special* security as, on petition of a creditor, the Court or Judge may order.

Security given by Guardian.

Recovery from sureties.

Withdrawal of sureties of Guardians.

Governor in Council may extend the time for giving new security.

Special security.

24. The creditors at their first meeting, may appoint a *Trustee* who shall give security to Her Majesty as provided in respect of *Guardians*, for the due performance of his duties, to such amount as may be fixed by the creditors at

Appointment of, and security given by Trustee.

such meeting. The creditors may also at any meeting called for that purpose, remove the Trustee and appoint another in his stead, or in stead of a Trustee whose office becomes vacant by resignation or death. And a certified copy of any resolution of the creditors appointing or removing a Trustee shall be forthwith transmitted in every case to the Clerk to remain of record in his office. *And if the creditors do not elect a Trustee at such first meeting, or at some adjournment thereof, the Guardian shall report the same to the Judge within forty-eight hours after such meeting or adjournment thereof shall have been dissolved without such election; and thereupon the Judge shall appoint a Trustee to the estate. And the Trustee shall immediately, become and be vested with the estate of the Insolvent, as the same was previously vested in the Guardian.*

Judge shall appoint on failure of creditors to do so.

Estate vested in Trustee.

Transfer of estate by Guardian to Trustee.

25. As soon as the Trustee shall be appointed, it shall be the duty of the *Guardian, without any delay from any cause, or upon any pretence whatever,* to account to him for all the estate and property of the Insolvent which has come into his possession, and to pay over and to deliver to him all such estate and property, including all sums of money, books, bills, notes and documents whatsoever belonging to the estate, and to execute in his favor a deed of release in the Form H. And every Trustee, on his becoming such, shall *immediately* give notice of his appointment as such by an advertisement to be inserted once in the Official Gazette in the Form I, and by a copy thereof sent to each creditor by post and post-paid.

Notice by Assignee of his appoint.

Securities to be deposited with Judge.

26. All securities given under this Act shall be deposited with the Judge, and kept as part of the records of the Court, subject to the right of any person entitled to to sue upon any such security to such production and delivery thereof as may be necessary in order to the exercise of such right. And any creditor of the estate may have inspection of such security, and may, if in his opinion the surety or sureties in such security are insufficient, apply on notice to the Judge, for an order that new or additional sureties be furnished, and the Judge may, upon such application, make such order as shall seem reasonable, both as to the urnishing of sureties and as to the costs of the applicat

Inspection of.

New or additional security.

Trustee not to act as agent of a creditor.

27. No person, and no partner or employee of any person shall act as the attorney or agent of any creditor upon any question as to the appointment of such person as Trustee, or in reference to any claim or demand of such creditor on an insolvent estate of which such person s the Trustee, nor shall any Trustee employ any person, being his partner, clerk, employee *or relative* as counsel, advocate, attorney, or solicitor in respect of the insolvent estate; *or shall, by way of commission or otherwise share in, or receive back a portion of any fee, remuneraton, price, or profit derived or received by any person whomsoever from the estate for any cause whatever, under a penalty of ten times the amount so received, to be recovered on summary petition by any creditor for his own benefit.*

Nor his partner, clerk, relative, &c., to be employed as his agent.

No commission from estate to be taken, under penalty.

Certain instruments to be registered in County or Registration District wherein the estate of the Insolvent lies.

28. *The Trustee, immediately upon his appointment, shall register in the Registry Office of the County or Registration District wherein the estate of the Insolvent is being liquidated,* and also in any other County or Registration District wherein there is real property belonging to the estate, a copy of the deed of assignment, or a copy of the writ of attachment, as the case may be, certified by the Trustee or the Clerk, or in Quebec by the proper Notary or by the Clerk, as the case may require, *together with an extract from the proceedings of the meeting of creditors by which he was appointed, certified under oath by himself, or a certified copy of the order of the Judge appointing him, as the case may be, and the deed of release, or an authentic copy thereof*; and in the Province of Quebec the said instruments shall be accompanied by a description of the real estate belonging to the Insolvent, with a notice that the same has by such assignment or writ of attachment *appointment, and deed of release* been transferred to the Trustee.

Inspectors, their appointment, &c., by creditors.

29. The creditors at any meeting may appoint one or more Inspectors, who shall superintend and direct the proceedings of the Trustee in the management and winding-up of the estate; and they may also at any subsequent meeting held for that purpose, revoke the appointment of any or all the said Inspectors, and upon such revocation, or in case of death, resignation or absence from the Province of such Inspectors, may appoint others in their stead; and whenever anything is allowed or directed to be done by the Inspectors, it may or shall be done by the *majority of the Inspectors or by the* sole Inspector, if only one has been appointed. But no Trustee or Inspector of any insolvent estate shall purchase directly or indirectly any part of the stock-in-trade, debts or assets of any description, of such insolvent estate, nor shall any Trustee employ any Inspector, nor shall any Inspector employ any person being his partner or being the partner of any Trustee, or the partner of any Inspector, as counsel, advocate, attorney, solicitor, or agent in respect of the insolvent estate.

If more than one.

Inspectors or Trustees not to purchase Insolvent's property.

Inspector not to be employed as agent in respect of estate.

Objections to proposed mode of disposal of estate.

30. Any one or more creditors whose claims in the aggregate exceed five hundred dollars, who may be dissatisfied with the resolutions adopted or orders made by the creditors or the Inspectors, or with any action of the Trustee for the disposal of the estate or any part thereof, or for postponing the disposal of the same, or with reference to any matter connected with the management or winding-up of the estate, may, within twenty-four hours thereafter, give to the Trustee notice that he or they will apply to the Court or Judge, on the day and at the hour fixed in such notice, and not being later than forty-eight hours after such notice shall have been given, or as soon thereafter as the parties may be heard before such Court or Judge, to rescind such resolutions or orders. And the Court or Judge may thereupon approve, rescind, or modify such resolutions or orders. In case of the application being refused, the party applying shall pay all costs

Hearing and action by Court or Judge.

occasioned thereby, otherwise the costs and the expenses shall be at the discretion of the Judge.

Powers of Insolvent to vest in Trustee.

31. The Trustee shall exercise all the rights and powers of the Insolvent in reference to his property and estate. And he shall wind-up the estate of the Insolvent, by the sale in the ordinary mode in which such sales are made, of all bank or other stocks, and of all movable property belonging to him, and by the collection of the debts due. The creditors may, at any meeting, pass any resolution or order directing the Trustee how to dispose of the estate real or personal of the Insolvent, and in default of their doing so, the Trustee shall be subject to the directions, orders and instructions he may, from time to time, receive from the Inspectors, with regard to the mode, terms and conditions on which he may dispose of the whole or any part of the estate. *Provided, however, that nothing in this Act shall be deemed to authorize any sale, en bloc, of the estate.*

Creditors or Inspectors may direct Trustee as to disposal of estate.

Trustee to sue for debts due Insolvent, &c.

32. The Trustee, in his own name as such, shall have the exclusive right to sue for the recovery of all debts due to or claimed by the Insolvent of every kind and nature whatsoever; for rescinding agreements, deeds and instruments made in fraud of creditors, and for the recovery back of moneys, *securities and effects* alleged to have been paid *or delivered over* in fraud of creditors, and to take, both in the prosecution and defence of all suits, all the proceedings that the Insolvent might have taken for the benefit of the estate, or that any creditor might have taken for the benefit of the creditors generally; and may intervene and represent the Insolvent in all suits or proceedings by or against him, which are 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. And if a partner in an unincorporated trading company or co-partnership, becomes insolvent within the meaning of this Act, and a Trustee is appointed to the estate of such Insolvent, such partnership shall thereby be held to be dissolved; and the Trustee shall have all the rights of action and remedies against the other partners in such company or co-partnership, which the said Insolvent partner could have or exercise by law or in equity against his co-partners after the dissolution of the firm, and may avail himself of such rights of action and remedies, as if such co-partnership or company had expired by efflux of time.

Partnership dissolved by Insolvency of a partner: Trustee to have right of Insolvent partner.

Register to be kept by Trustee.

33. Every Trustee shall keep a register showing the name of each Insolvent who has made an assignment, or against whom a writ of attachment has issued, his residence, place of business, and the nature of his trade or business, the date of the assignment, or of the issue of the writ of attachment, the amount of liabilities acknowledged by the Insolvent in his schedule of liabilities, the claims proved, the amount of dividends paid, and of any discharge granted; the amount of dividends remaining unpaid after three months from the declaration of the last dividend, the proceedings for the sale of real estate; with such

other information as the Trustee may deem of general interest with reference to each estate,—which register shall be open to the inspection of the public, within office hours, at the office of such Trustee; and the Trustee, as soon as he takes charge of any estate, shall open a separate book for each such estate. *containing the foregoing particulars, and* shewing a debtor and creditor account of all his receipts and disbursements on account thereof. And every Trustee shall, *upon his removal, if removed, and if not,* within one month after he shall have wound up the estate of any Insolvent, and obtained his *own* discharge, deposit the register kept by him as aforesaid, with reference to such estate, in the office of the *Court;* where it shall remain for the like purposes, and under the same provisions as the register kept by the Trustee. And every register of, or coming into possession of, a Trustee, and every other record required to be kept by him in connection with the performance of his duties, shall be held to be the property of Her Majesty, and upon the death of a Trustee or his ceasing to hold office, the Judge shall be entitled to, and shall, assume possession and control of such register or other record, which shall thereafter be kept among the records of the Court, open to inspection as aforesaid.

Trustee to open separate account with each estate.

Deposit in Court of register by Trustee after his removal on the winding up of the estate.

Register and records to be the property of Her Majesty.

34. Every Trustee shall, before the end of October in each year, fill up and transmit to the Minister of Agriculture, or in case this branch of the subject of statistics and the registration thereof be by the Governor in Council transferred to any other Minister, then to such other Minister, a schedule showing the particulars contained in the register to be kept by him under the provisions of this Act, and such other schedules for the year ending the thirtieth day of September next preceding, relative to the insolvency matters transacted by him as shall be from time to time prescribed by the Governor in Council, according to forms published in the *Canada Gazette*, and it shall be the duty of every Trustee to make from day to day, and to keep entries and records of the particulars to be comprised in such schedule. And any Trustee neglecting or refusing to fill up and transmit any such schedule or wilfully making a false, partial or incorrect schedule thereunder, shall forfeit and pay the sum of *forty dollars*, together with the full costs of suit, to be recovered by any person suing for the same, by action of debt or information in any Court of Record in the Province in which such return ought to have been made, or is made, or in the Exchequer Court of Canada, and one moiety whereof shall be paid to the party suing, and the other moiety into the hands of Her Majesty's Receiver-General, to and for the public uses of Canada.

Trustee to transmit yearly, to Minister of Agriculture, schedule of particulars contained in register.

Penalty for neglect or making false schedule.

How recoverable.

35. The statistics collected by the Minister of Agriculture or such other Minister as aforesaid, under this Act, shall be abstracted and registered, and the results thereof shall be printed and published in an annual report.

Statistics to be published in Annual Report.

Trustee must, under penalty, pay over balances to Receiver-General with sworn account.

36. Every Trustee shall, within thirty days after the *expiration of the period after which he may apply for his discharge, or if that period has elapsed previous to the coming into force of this Act, then forthwith thereafter*, pay over to the Receiver-General all moneys belonging to the estate then in his hands, not required for any purpose authorized by this Act or any Act hereby repealed, as the case may be, with a sworn statement and account of such moneys, and that they are all he has in his hands, under a penalty of not exceeding *ten dollars* for each day on which he shall neglect or delay such payment, and he shall be a debtor to Her Majesty for such moneys and may be compelled as such to account for and pay over the same.

Trustee to be paid by commission on amount realized.

37. The Trustee shall be entitled to a commission on the net proceeds of the estate, *with the exceptions, and subject to the limitations herein contained*, of *four* per cent. on the amount realized if not exceeding one thousand dollars, the sum of two per cent. on an additional amount of four thousand dollars or less realized in excess of one thousand dollars and a sum of one per cent. on any additional amount realized in excess of five thousand dollars,—which said commission shall be in lieu of all fees and charges for all his services and disbursements in relation to the estate, exclusive of actual expenses in going to seize and sell, and of disbursements necessarily made, *with the approval or order of the Inspectors, or of the Judge, previously obtained in any account filed in court or delivered to any creditor, or the amount of which is deducted from the same to be divided in any dividend sheet; after notice of the application therefor to at least three of the largest creditors residing, or having a resident agent in the place where the proceedings are being carried on.*

And actual necessary and authorized disbursements.

Further remuneration of Trustee.

But the creditors may, by special resolution, authorise the repayment to the Trustee of such further disbursements out of the estate as they shall think reasonable, *and in the event of unusual success, or an extraordinary degree of labor or trouble in winding up the estate, the creditors may vote the Trustee an increase of commission not exceeding one-half the percentage hereby fixed.*

Remuneration of Guardian.

The Guardian shall receive remuneration for his services at the rates fixed by schedule A of this Act; but such rates may be changed by any tariff made by the Judges of any Court empowered by this Act to make such tariff.

His disbursements.

He shall not make any disbursement whatever, except by express order of the Judge after notice to at least three creditors selected as aforesaid; but the charges for advertising the Insolvency of the debtor, and for giving notice of the first meeting of creditors, together with his remuneration, shall be taxed by the proper officer, and shall be the first charge on the estate.

Penalty for unauthorized charges, &c.

And if any Guardian or Trustee shall knowingly charge any sum of money for any remuneration or disbursement not authorized by this Act, in any acount filed in Court or delivered to any creditor, or the amount of which is deducted from the sum to be divided in any dividend sheet, he shall

forfeit three times the amount so charged: to be recovered from him by any creditor for his own benefit.

As to employing counsel, &c.

38. No Trustee shall employ, *in or about the business of the estate*, any counsel or attorney-at-law, *or any accountant, clerk, guardian or agent* without the consent of the Inspectors, or of the creditors; but expenses incurred by such *employment* with such consent, shall be paid out of the estate, if not recovered from any party liable therefor.

Trustee to call meetings on requisition.

39. The Trustee shall call meetings of creditors whenever required in writing so to do, by the Inspectors or by five creditors, if there are five or more, or by all the creditors, if there are less than five, or by the Judge; and he shall state succinctly in the notice calling any meeting the purpose thereof.

Deposit and withdrawal of moneys of estate in bank.

40. The Trustee shall deposit at interest in some chartered bank, to be indicated by the Inspectors or by the Judge, all sums of money which he may have in his hands belonging to the estate, whenever such sums amount to one hundred dollars, *in default whereof he shall pay into the estate interest on the amount in his hands at the rate of 25 per cent. per annum from a date to commence within two days from the date of his reception thereof.* Such deposit shall not be made in the name of the Trustee individually, on pain of dismissal, *and of being disqualified from holding the office of Trustee to any estate for five years thereafter:* but a separate deposit account shall be kept for each estate of the moneys belonging to suchestate, in the name of the Trustee *as such*, and of the Inspectors (if any), and such moneys shall be withdrawn only on the joint cheque of the Trustee and of one of the Inspectors, if there be any. The interest accruing on such deposits shall appertain to the estate, and shall be distributed in the same manner and subject to the same rights and privileges as the capital from which such interest accrued.

Interest on deposits.

Penalty for not accounting for or non-distribution of such interest.

If in any account or dividend sheet made subsequent to any deposit in a bank, the Trustee omits to account for or divide the interest then accrued thereon, he shall forfeit and pay to the estate to which such interest appertains, a sum equal to three times the amount of such interest. And

Statement of affairs of estate to be fyled monthly with the Clerk.

within the first five days of each calendar month the Trustee shall fyle in the office of the clerk, a statement of the receipts and disbursements of the estate during the preceding month, showing also the balance of cash then in Bank.

Trustee to produce bank book at meetings, and when ordered by Judge.

And at every meeting of creditors, the Trustee shall produce a bank pass-book showing the amount of deposits made for the estate, the dates at which such deposits have been made, the amounts withdrawn and dates of such withdrawal, of which production mention shall be made in the minutes of such meeting, and the absence of such mention shall be *primâ facie* evidence that it was not produced thereat. The Trustee shall also produce such pass-book whenever so ordered by the Judge at the request of the Inspectors, or of a creditor, and on his refusal to do so he shall be treated as being in contempt of court. And if he shall make or cause to be made any false entry in such pass-

Punishment forfalse entry.

in such pass-book.

book with a view to deceive the Inspectors, creditors, or Judge, he 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 a term not exceeding three years, or to any greater punishment attached to the offence by any statute.

Estate in whom vested on death or removal of Trustee or Guardian.

41. Upon the death of a Trustee or upon his removal from office, the estate shall remain under the control of the Judge until the appointment of another Trustee whreupon the estate shall become vested in such other Trustee.— *And upon the death of a Guardian, the Judge, on petition of any creditor, shall appoint another Guardian to take charge of the estate, who shall hold it until a Trustee is appointed.*

Final account and discharge of Trustee.

42. After the declaration of a final dividend, or if after using due diligence the Trustee has been unable to realize any assets to be divided, the Trustee shall prepare his final account, and present a petition to the Judge for his discharge, after giving notice of such petition to the Insolvent, and also to the Inspectors, if an have been appointed; and to the creditors by circular, and he

Duties and obligations of Trustee.

shall produce and file with such petition a bank certificate of the deposit of any dividends remaining unclaimed, and of any balance in his hands; a statement, *under oath*, showing the nominal and estimated value of the assests of the Insolvent, the amount of claims proved, dividing them into ordinary, privileged or secured and hypothecary claims, the amount of dividends paid to the creditors of the estate, and the entire expense of winding up the same. And the Judge, after causing the account

Power of Judge.

to be audited by the Inspectors, or by some creditor or creditors named by him for the purpose, and after hearing the parties, may grant conditionally, or unconditionally, the prayer of such petition, or may refuse it. And a Trustee

Penalty in case of neglect by Trustee to present petition for discharge.

who neglects to present such a petition within *one* month after the declaration of a final dividend, or within *one* month after he shall have been required *so to do* by the Inspectors or by any creditor of the estate after it shall have been ascertained that there are not assets wherewith to declare a dividend, shall incur a penalty not exceeding one hundred dollars.

Provision of section 42 to apply to Assignees under former Acts.

43. The provisions of the next preceding section shall apply to all persons who have acted or are acting as Assignees under "*The Insolvent Act of* 1875," *or under* "*The Insolvent Act of* 1869," or in either of the Provinces of Quebec or Ontario under the Act formerly in force therein, called and known as "*The Insolvent Act of* 1864," or any Act or Acts amending

Proviso.

or continuing the same or any of them; and in case a final dividend has been declared before the coming into force of this Act, or in case the Assignee has been unable to realize any assets to be divided, then he shall present such petition within one month after this Act has come into force under the penalty above provided.

OF DISCHARGE.

44. *An Insolvent may obtain his discharge, within the meaning of this Act, by obtaining from his creditors a consent in writing to his discharge, signed in duplicate, or before a Notary Public, by at least four-fifths in number of those of his creditors who have respectively proved claims against his estate for sums amounting to* $100 *and upwards, representing at least four-fifths in value of all the claims on his estate, whether proved or unproved, in so far as the same can be ascertained by the Trustee; and upon obtaining such consent shall deliver a duplicate or, a notarial copy thereof to the Trustee of his estate; Provided always, however, that no claim by the wife, husband or children, or by any relative or connexion of the Insolvent within the degree of cousin-german, or by any one holding from or under them, or any of them, as endorsee, assignee, or transferee, shall be computed either in the number or amount of the creditors of the Insolvent, for the purpose of ascertaining the proportion of creditors who have executed such consent; such proportion to be computed exclusive of them, in every respect, as if they were not creditors of his estate.*

Proceedings when consent to discharge is obtained.

Proviso, as to computation of claims by relatives or connections.

45. *Upon the reception of such duplicate or copy, and on the request of the Insolvent, it shall be the duty of the Trustee to deliver to him a certificate in writing, signed by himself, in which he shall state:—*

Certificate from Trustee and what it shall contain.

(1.) *The total amount of the liabilities of the Insolvent, so far as can be ascertained by the Trustee, which are provable in insolvency.*

(2.) *The total number and amount of claims for one hundred dollars and upwards which have been proved.*

(3.) *The total number of proved creditors who have signed the consent.—*

(4.) *What portion in number and amount of the claims' proved or unproved, against the Insolvent is held by the wife, husband or children, of the Insolvent, or by any relative or connexion within the degree of cousin-german, giving the names of such claimants and the amount of each such claim.*

(5.) *Whether or no the Insolvent has delivered to the Trustee a sworn statement of his liabilities as required by this Act: and has submitted himself for examination whenever required so to do; and has made a full disclosure and delivery of his estate and effects, books, papers and vouchers; whether or no he has been guilty of any fraud, or of giving to any creditor any fraudulent or unjust preference inconsistent with the provisions of this Act; and has in all respects conformed himself to such provisions; and the particulars of any default in respect of any of the matters referred to in the certificate.*

46. An Insolvent who has procured a consent to his discharge, and the certificate of the Trustee, within the mean-

Application for confirmation of

the discharge of the insolvent.

ing of this Act, may file such consent in the office of the court with the certificate of the Trustee hereinbefore provided for, annexed thereto, and also with his own affidavit (From K) establishing that no one of the creditors who has signed such consent, has been induced to do so by any preferential payment, promise of payment or advantage whatsoever, made, secured or promised to him by or on behalf of the Insolvent, and may then give notice (Form J) of the same being so filed, and of his intention to apply by petition to the Court or Judge, on a day *and at an hour* named in such notice, for a confirmation of the discharge effected thereby; and such notice shall be given by one advertisement in the Official Gazette, and also by letter or card postpaid, addressed to each of the creditors by mail at least one month before presenting the petition to the court or judge; and upon such application, any creditor or the Trustee under the authority of the creditors or inspectors may appear and oppose such confirmation.

Notice.

Notice, how given.

Osposition allowed.

Confirmation of discharge.

47. If it appears that all the notices and formalties required by this Act and by law have been given and observed; and if no objections are made to the confirmation of such discharge, the court or judge may, without further notice and on the petition of the Insolvent, confirm such discharge. *But before doing so the court or judge may call upon the Trustee or the Insolvent, or both of them, or any creditor of the estate; and in the presence of the Insolvent, or after due notice to him, may inquire in a summary and informal manner into the condition of the estate, the conduct of the Insolvent in his business, both before and after insolvency; and into any other matter or thing connected with the estate of the Insolvent that may be deemed expedient; and thereupon, the court or judge may suspend the operation of the discharge effected by such consent, for such period not exceeding three years, as may be deemed just.*

Judge may suspend operation of discharge after enquiry, &c.

Contestation of petition for confirmation of discharge.

48. *Any creditor, or the Trustee under the authority of the creditors, or of the Inspectors, or of the Judge, may appear at the time fixed for the presentation of the petition for confirmation of such discharge, or at any time thereafter that may be permitted by the Judge, and may contest the same;* and the Insolvent shall not be entitled to a confirmation of his discharge, if it appears to the court or judge that he has not satisfactorily accounted for the cause of his insolvency, that he has not obtained the assent of the proportion of his creditors in number and value required by this Act to grant such discharge, or that he has been guilty of any fraud or fraudulent preference within the meaning of this Act, or of fraud or evil practice in procuring the consent of the creditors to the discharge, or of fraudulent retention and concealment of some portion of his estate or effects, or of evasion, prevarication or false swearing upon examination as to his estate and effects, or that the Insolvent has not kept an account book shewing his receipts and disbursements of cash, and such other books of account as are suitable for his trade, or that if, having at any time kept such book or books, he has refused to produce or deliver them to

Fraud or fraudulent preferences, &c.

Proper books have not been kept.]

the Trustee, or is wilfully in default to obey any provisions of this Act or any order of the court or judge, or that the Insolvent has been guilty of fraud within the meaning of the [125th] section of this Act. But the omission to keep such books before the coming into force of the Insolvent Act of 1875, shall not be a sufficient ground for refusing the confirmation of the discharge of an Insolvent. Proviso.

49. The court or judge, upon hearing the application for confirmation of such discharge, the objections thereto, and any evidence adduced, shall have power to make an order either confirming or annulling the same.—But if such evidence should be insufficient to sustain any of the grounds hereinbefore detailed as forming valid grounds for contesting such confirmation, but should nevertheless establish that the Insolvent has been guilty of misconduct in the management of his business, by extravagance in his expenses, recklessness in endorsing or becoming surety for others, continuing his trade unduly after he had reason to believe himself to be insolvent, incurring debts without a reasonable expectation of paying them (of which reasonable expectation the proof shall lie on him, if such debt was contracted within thirty days of the demand of assignment or of the issue of a writ of attachment), or negligence in keeping his books and accounts; or if such facts be alleged by any contestation praying for the suspension of the discharge of the Insolvent, the court or judge may thereupon order the suspension of the operation of the discharge of the Insolvent for a period not exceeding five years. Powers of Court or Judge. In certain cases discharge may be confirmed or annulled. Its operation may be suspended for not more than five years.

50. *If the insolvent does not apply to the court or judge for a confirmation of his discharge within two months from the time at which a consent to the same has been executed under this Act, any creditor for a sum exceeding two hundred dollars may cause to be served upon the insolvent a notice in writing requiring him to file in the court, such consent; and may thereupon give notice (Form P.), as hereinbefore provided with regard to applications for confirmation of discharge, of his intention to apply by petition to the court or judge, on a day named in such notice, for the annulling of the discharge; and on the day so named may present to the court or judge a petition in accordance with such notice, setting forth the reasons in support of such application, which may be any of the reasons upon which a confirmation of a discharge may be opposed; and upon such application, if the insolvent does not, on or before the day fixed for the presentation thereof, file in the office of the court the consent under which the discharge purports to have been effected, together with the certificate of the Trustee and the affidavit required in such cases by this Act, the discharge shall be annulled with costs without further enquiry, except as to the service upon him of the notice to file the same; but if such consent, certificate and affidavit be so filed, or if upon special application leave be granted to him to file the same at a subsequent time, and he do then file the same, the court or judge, as the case may be, shall proceed thereon as upon an application for the confirmation of such discharge.* Discharge may be annulled. Proceedings to be taken.

51. The discharge of a debtor in the manner herein provided shall absolutely free and discharge him, from all liabilities whatsoever (except such as are hereinafter specially excepted) existing against him and provable against his estate, whether the same be secured in part or in whole by Effect of discharge, what claims affected.

any mortgage, hypothec, lien or collateral security of any kind or not, which are mentioned or set forth in the statement of his affairs exhibited at the first meeting of his creditors, or which are shown by any supplementary list of creditors furnished by the insolvent, previous to such discharge and in time to admit of the creditors therein mentioned obtaining the same dividend as other creditors upon his estate, or which appear by any claim subsequently furnished to the Trustee; whether such debts be exigible or not at the time of his insolvency, or be contested in whole or in part, or be dependent on certain conditions or future contingency, and whether the liability for them be direct or indirect; and if the holder of any negotiable paper is unknown to the insolvent, the insertion of the particulars of such paper in such statement of affairs or supplementary list, with the declaration that the holder thereof is unknown to him, shall bring the debt represented by such paper, and the holder thereof, within the operation of this section. *But until the consent has been confirmed in accordance with the provisions of this Act, the burden of proof shall rest upon the insolvent that he has obtained the assent of the proportion of his creditors required to render his discharge binding upon the minority, and that he has in all respects conformed himself to the provisions of this Act; and such proof in any suit against him shall be at his own expense.*

Holders of negotiable paper unkown to Insolvent.

Burden of proof rests upon Insovent.

52. A discharge under this Act, whether consented to by any creditor or not, shall not operate any change in the liability of any person secondarily liable to such creditor for the debts of the insolvent, either as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, nor of any partner or other person liable jointly or severally with the insolvent to such creditor for any debt; nor shall it affect any mortgage, hypothec, lien or collateral security held by any creditor as security for any debt thereby discharged, without the express consent of such creditor.

Discharge not to affect persons secondarily liable.

53. A discharge under this Act shall not apply without the express consent of the creditor, to any debt *in respect of which credit was obtained from the creditor upon any wilfully false statement or representation made by the insolvent respecting the condition of his affairs in any particular; nor to any debt* for enforcing the paymentof which the imprisonment of the debtor is permitted by this Act, nor to any debt due as damages for assault or wilful injury to the person, seduction, libel, slander or malicious arrest, nor for the maintenance of a parent, wife or child, nor to a penalty for any offence of which the insolvent has been convicted; nor shall any such discharge apply without such consent to any debt due as a balance of account due by the insolvent as Assignee, tutor, curator, trustee, executor or administrator under a will, or under any order of court, or as a public officer; nor *to any debt due by the insolvent to farmers, labourers, common sailors, workmen for hire, and generally, any person not being a trader within the meaning of this Act;* nor shall debts to which a dis-

Discharge under this Act not to apply to certain debts or liabilities without express consent of creditor.

Creditors of such debts not computed in certain cases.

charge under this Act does not apply, nor any privileged debts, nor the creditors thereof, be computed in ascertaining whether a sufficient proportion of the creditors of the insolvent have voted upon, done, or consented to any act, matter or thing under this Act; but the creditor of any such debt may claim and accept a dividend thereon from the estate without being by reason thereof in any respect affected by any discharge obtained by the insolvent.

But creditor may claim and accept a dividend.

54. Every discharge or confirmation of any discharge obtained by fraud or fraudulent preference, or by means of the consent of any creditor procured by the payment or promise of payment to such creditor of any valuable consideration for such consent, or by any fraudulent contrivance or practice whatever tending to defeat the true intent and meaning of the provisions of this Act in that behalf, shall be null and void.

Discharge, &c., obtained by fraud to be void.

SALE OF DEBTS.

55. After having acted with due diligence in the collection of the debts, if the Trustee finds there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he shall report the same to the creditors or inspectors, *or to the Judge*, and with their sanction *or that of the Judge* he may sell the same by public auction, after such advertisement thereof as they may order; and pending such advertisement, the Trustee shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts; but all debts amounting to more than one hundred dollars, shall be sold separately, except as herein otherwise provided.

Sale of debts, the collection of which would be too onerous.

Proviso.

56. If at any time any creditor of the insolvent desires to cause any proceeding to be taken which in his opinion would be for the benefit of the estate, and the Trustee, under the authority of the creditors, or of the inspectors, refuses or neglects to take such proceeding after being duly required so to do, such creditor shall have the right to obtain an order of the judge authorizing him to take such proceeding in the name of the Trustee, but at his own expense and risk, upon such terms and conditions as to indemnity to the Trustee as the judge may prescribe, and thereupon any benefit derived from such proceedings shall belong exclusively to the creditor instituting the same for his benefit and that of any other creditor who may have joined him in causing the institution of such proceeding. But if, before such order is granted, the Trustee shall signify to the judge his readiness to institute such proceeding for the benefit of the creditors, the order shall be made prescribing the time within which he shall do so, and in that case the advantage derived from such proceeding, if instituted within such time, shall appertain to the estate.

Creditor may be authorized by Judge to take any special proceeding at his own risk.

Proviso.

57. The person who purchases a debt from the Trustee, may sue for it in his own name, as effectually as the insol-

Rights of purchasers of

Debts due Insolvent.

vent might have done, and as the Trustee is hereby authorized to do; and a bill of sale (Form L), signed and delivered to him by the Trustee, shall be *primâ facie* evidence of such purchase, without proof of the handwriting of the Trustee, and the debt sold shall in the Province of Quebec vest in the purchaser without signification to the debtor; and no warranty, except as to the good faith of the Trustee, shall be created by such sale and conveyance, not even that the debt is due.

No warranty.

LEASES.

Property held under lease extending beyond current year.

58. If the insolvent holds property under a lease extending beyond the year current under its terms at the time of his insolvency, the creditors or inspectors shall decide at any meeting, which may be held more than three months before the termination of the yearly term of the lease, current at the time of such meeting, whether the property so leased should be retained for the use of the estate, only up to the end of the then current yearly term, or, if the conditions of the lease permit of further extension, also up to the end of the next following yearly term thereof; and their decision shall be final. But if the first meeting of creditors is not held until within such period of three months, then the power of terminating the lease may be exercised by the creditors at such meeting, or by the inspectors, within one week thereafter, but not later, *nor within one month of the end of the current yearly term of such lease; but in that case the lessor shall be entitled to the payment by privilege, in addition to the rent due at the end of such yearly term, of such further sum as will constitute with the rent after such notice, an amount equal o three months rent under the lease*, and from and after the time fixed for the retention of the leased property for the use of the estate, the lease shall be cancelled and shall thenceforth be inoperative and null.

Powers of Inspector or Creditor as to extension or termination of lease.

Lessor claiming damages for termination of the lease.

Preferential claim of landlor rent in the several Provinces.

59. The preferential lien of the landlord for rent in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island, and Manitoba, is restricted to the arrears of rent due during the period of six months last previous to the *date of Insolvency* be, and thence so long as the Trustee shall retain the premises leased *and no right of distress shall be exercised after such date.* In the Province of Quebec the preferential lien or privilege of the lessor shall be governed by the provisions of the civil code.

SALE OF REAL ESTATE.

Sale of real estate of Insolvent.

In Provinces other than Quebec.

60. The Trustee may sell the real estate of the insolvent, but in any Province other than Quebec, no sale shall be completed unless (A) the proposed sale has been sanctioned by the creditors at their first meeting, or at any subsequent meeting called for the purpose, or by the inspectors or (B) the Trustee has advertised an auction sale or sale by tender, in accordance with the directions in that behalf given by the creditors at their first meeting, or at any subsequent meeting called for the purpose, or by the inspectors, and

the inspectors sanction in writing the acceptance of a price not greater than the amount bid or tendered. In the Province of Quebec no sale of real estate shall be made unless after advertisement thereof for a period of two months, and in the same manner as is required for the actual advertisement of sales of real estate by the sheriff in the district or place where such real estate is situate, and to such further extent as the *creditors or inspectors may order*: Provided that the period of advertisement may be shortened to not less than one month by the creditors or *inspectors* with the approbation of the judge; but such abridgement shall not take place without the consent of the hypothecary creditors upon such real estate, if any there be. And with such consent, or where there are no hypothecary creditors, with the approbation of the creditors or of the inspectors, *if the price offered at such sale be considered insufficient*, the Trustee may postpone the sale to such time as may be deemed most advantageous for the estate.

In Quebec.

Proviso: period of advertisement may be shortened.

Postponement of sale by consent of creditors, &c.

61. All sales of real estate so made by the Trustee shall vest in the purchasers all the legal and equitable estate of the insolvent therein, and the conveyance may be in the Form M; but in the Province of Quebec, such sale shall in all respects have the same effect as to mortgages, hypothecs or privileges then existing thereon, as if the same had been made by a sheriff under a writ of execution issued in the ordinary course, but shall have no other greater or less effect than such sheriff's sale; and in the Province of Quebec the title conveyed by such sale shall have equal validity with a title created by a sheriff's sale; and the deed of such sale which the Trustee executes (Form M,) shall, in the Province of Quebec have the same effect as a sheriff's deed, *and the provisions of the civil code of Quebec with reference to the registration of deeds of sale executed by the Sheriff, shall apply to deeds of sale executed by a Trustee* But the Trustee may grant such terms of credit as he may deem expedient and as may be approved of by the creditors, or by the inspectors, for any part of the purchase money; except that no credit shall be given in the Province of Quebec for any part of the purchase money coming to any hypothecary or privileged creditor, without the consent in writing of such creditor; and the Trustee shall be entitled to reserve a special hypothec or mortgage by the deed of sale as security for the payment of such part of the purchase-money as shall be unpaid; and such deed may be executed before witnesses or before notaries, according to the exigency of the law of the place where the real estate sold is situate.

Effect of sales of real estate

Form of deed and terms.

In Quebec.

Attestation.

62. In the Province of Quebec such sale shall be made subject to all such charges and hypothecs as are permitted by the law of the said Province to remain chargeable thereon when sold by the sheriff, and *shall also be made* subject to such *portion of the* other charges and hypothecs thereon, *which* are not due at the time of sale, and to such other charges and hypothecs, as may be consented to in writing by the holders or creditors thereof, *as the net price of such sale will*

Sales in Quebec may be subject to certain charges.

Claims to be specified in advertisement of sale.

cover; And *in the advertisement of sale the Trustee shall specify approximately the amount of hypothecary and privileged claims, subject to which, or such part of which as the price of sale will cover, the property will be sold, but without details; and the bids shall be made and received, as far as practicable, for the margin above the amount of such privileged and hypothecary claims. And for the purpose of adjusting the conditions of such sale, and before advertising such sale, the Trustee shall procure from the registrar of the registration division in which each immoveable is situate,* a certificate of the hypothecs charged upon such immoveable, and registered up to the date of Insolvency, and such certificate shall contain all the facts and circumstances required in the registrar's certificate obtained by the sheriff subsequent to the adjudication of an immoveable in conformity with the provisions of the Code of Civil Procedure, and shall be made and charged for by the registrar in like manner. And the provisions of the said Code as to the collocation of hypothecary and privileged creditors, the necessity for and the filing of oppositions for payment, and the costs thereon, shall apply thereto under this Act as nearly as the nature of the case will admit: And *unless a general dividend sheet is then immediately about to be made, the Trustee shall, upon payment of the purchase money, or upon the giving security therefor when permitted by law, forthwith make a dividend sheet, for the distribution of the proceeds of such sale; and the privileged and hypothecary claims subject to which the property was sold shall be declared and shall be subject to contestation as if they were collocated for money; and if reduced in amount by such contestation, the purchaser shall pay to the Trustee the amount by which they are so reduced for distribution according to law.*

Certificate of registrar.

Code of Civil Procedure to apply as to collocation of creditors, &c.

Dividend sheet for distribution of proceeds.

Order of distribution.

63. The collocation and distribution of the moneys arising from such sale, shall be made in the dividend sheet among the creditors having privileged or hypothecary claims thereon, after the collocation of such costs and expenses, including the Trustee's commission in respect of the sale, as were necessary to effect such sale, in the same manner as to all the essential parts thereof, as the collocation and distribution of moneys arising from the sale of immoveables are made in the appropriate court in ordinary cases, except in so far as the same may be inconsistent with any provisions of this Act; but *the Trustee's commission shall not be computed upon the amount of the privileged or hypothecary claims, subject to which the property is or ought to be sold; nor shall any* portion of the general expenses incurred in the winding up of the estate, *or in realising any portion of the estate except such real estate,* be chargeable to, or payable out of the said moneys, except on such balance as may remain after the payment of all privileged and hypothecary claims. Any balance remaining after the collocation of the said necessary costs and expenses, and of the privileged and hypothecary claims, shall be added to and from part of the general assets of the estate.

Assignee's commission and general expenses.

Balance.

64. In the Province of Quebec an order of re-sale for false bidding may be obtained from the judge by the Trustee or by a creditor holding a privileged or hypothecary claim upon the property adjudged, upon a summary petition, and such re-sale may be proceeded with after the same notices and advertisements, and with the same effect and consequences as to the false bidder and all others, and by means of similar proceedings as are provided in ordinary cases for such re-sales in all essential particulars, and as nearly as may be without being inconsistent with this Act. And any privileged or hypothecary creditor shall have the right to obtain from the judge an order on the Trustee to proceed without delay to the sale in the mode above prescribed, of any property real or personal which is subject to his privileged or hypothecary claim.

Folle enchere.

In Quebec privileged creditors may require sale of property subject to their privileged claims.

DIVIDENDS.

65. The Trustee shall prepare and keep constantly accessible to the creditors, accounts and statements of his doings as such Trustee, and of the position of the estate; and he shall prepare dividends of the estate of the insolvent whenever the amount of money in his hands will justify a division thereof, and also whenever he is required by the inspectors or ordered by the judge to do so.

Accounts, statements, and dividends prepared and kept by Trustee.

66. All debts due and payable by the insolvent at the time of the execution of a deed of assignment, or at the time of the issue of the writ of attachment under this Act, and all debts due but not then actually payable, subject to rebate of interest, shall have the right to rank upon the estate of the insolvent; and *no interest accrued upon any claim, or secured claim after the date of insolvency shall rank upon the general estate; the secured creditors retaining the right to interest after such date only so far as the proceeds or revenue of the property or effects upon which such security attaches, shall suffice to meet the same* And any person then being, as surety or otherwise, liable for any debt of the insolvent, and who subsequently pays such debt, shall thereafter stand in the place of the original creditor, if such creditor has proved his claim on such debt; or if he has not proved, such person shall be entitled to prove against and rank upon the estate for such debt to the same extent and with the same effect as the creditor might have done. But no claim *for damages for personal wrongs shall be proved or shall rank upon the estate of the insolvent, unless such claim has been liquidated by a judgment rendered previous to the date of insolvency.*

What claims shall rank on the estate.

Interest.

Insolvent's surety.

Damages for personal wrongs.

67. If any creditor of the insolvent claims upon a contract dependent upon a condition or contingency which does not happen previous to the declaration of the first dividend, a dividend shall be reserved upon the amount of such conditional or contingent claim until the condition or contingency is determined; but if it be made to appear to the judge that the estate may thereby be kept open for an undue length of time, he may, unless an estimate of the value of such claim be agreed to between the claimant

Case of contingent claims provided for.

How value of claim shall be established.

and *the Trustee, with the authority of the creditors or of* the inspectors, order that the value of such contingent or conditional claim be established by such person or persons as the claimant and the *Trustee* may appoint, and in case they do not agree then by such person or persons as the judge shall name, and the persons so named shall make their award,—which award the judge, after hearing the claimant and *Trustee*, may reject or confirm. In case the award be rejected, other persons shall be appointed as herein provided to establish the value of such claim, subject to the control of the judge; and if the award be confirmed the amount therein mentioned shall be that for which the claimant shall rank upon the estate as for a debt payable absolutely.

Trustee may disclaim property not saleable, &c.

68. *When any property of the Insolvent consists of unmarketable shares in companies, of unprofitable executory contracts, or of any other property that is not saleable, or readily saleable, by reason of its binding the possessor thereof to the performance of an onerous act, or to the payment of a sum of money, the Trustee, with the authority of the creditors, or of the Inspectors, or of the Judge, notwithstanding that he has endeavored to sell, or has taken possession of such property, or has exercised any act of ownership in relation thereto, may by writing under his hand disclaim such property; and thereupon, if a contract, it shall be held to have been determined from the date of the Insolvency: and if shares, they shall be deemed to be forfeited from that date: and if any other species of property, then the same shall revert to the person entitled thereto, on the termination of the interest of the Trustee or of the Insolvent therein: but in no case shall any estate or interest therein remain in the Insolvent or in the Trustee. And any person having a right thereto may obtain an order from the Court or Judge ordering the Trustee to convey or deliver the same to him upon such conditions as shall be deemed just.*

Injured or interested parties.

And any person injured by such disclaimer or forfeiture shall be deemed a creditor to the extent of such injury, and may prove his claim and rank therefor in like manner as other creditors.

Proviso.

But this section shall not apply to any case in Insolvency pending under any of the Acts hereby repealed.

Rank and privelege of creditors;

69. In the preparation of the dividend sheet due regard shall be had to the rank and privilege of every creditor, —which rank and privilege, upon whatever they may legally be founded, shall not be disturbed by the provisions of this Act, except in the Province of Quebec, where the privilege of the unpaid vendor shall *be governed by the law of stoppage* in transitu *according to the laws of England.*

Proviso as to creditors holding security.

But no dividend shall be allotted or paid to any creditor holding security from the estate of the insolvent for his claim, until the amount for which he shall rank as a creditor upon the estate as to dividends therefrom, shall be established as hereinafter provided; and such amount shall be the amount which he shall be held to represent in voting at meetings of creditors, and in computing the proportion of creditors, whenever under this Act such proportion is required to be ascertained, *except as herein otherwise provided.*

Seizure in execution after appointment of Trustee; its effect.

70. No lien or privilege upon either the personal or real estate of the insolvent shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by

levying upon or seizing under such writ the effects or estate of the insolvent, if before the payment over to the plaintiff of the moneys actually levied under such writ, the estate of the debtor has been assigned to a Trustee, or if proceedings to place the same in liquidation under this Act, have been adopted and are still pending; *nor shall any judgment create any mortgage, hypothec or lien on any real or immoveable property of the insolvent, unless registered at least thirty days before the date of insolvency* But this provision shall not affect any lien or privilege for costs which the plaintiff possesses under the law of the Province in which such writ shall have been issued.

Proviso as to costs.

71. If a creditor holds security from the insolvent, or from his estate, *or any security which, if enforced, will diminish the assets, or increase the ranking on the estate of the insolvent,* he shall specify the nature and amount of such security in his claim, and shall therein on his oath put a specified value thereon; and the Trustee, under the authority of the creditors, *or of the Inspectors,* may either consent to the retention of the property or effects constituting such security or on which it attaches. by the creditor, at such specified value, or he may require from such creditor an assignment and delivery of such security, property or effects, at an advance of ten per centum upon such specified value, not exceeding, in any case, the amount of his claim, to be paid by him out of the estate *before any dividend is paid to the ordinary creditors;* and in either of such cases the difference between the value at which the security is retained or assumed, *as the case may be,* and the amount of the claim of such creditor shall be the amount for which he shall rank and vote as aforesaid; and *save as hereinafter provided with regard to partners,* if a creditor holds a claim based upon negotiable instruments upon which the insolvent is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of this section, and shall put a value on the liability of the party primarily liable *on each of such negotiable instruments separately, as a separate debt,* as being his security for the payment thereof; but if such claim is mature or exigible at the date of the assignment, or the issue of the writ of attachment, or becomes so, and remains unpaid thereafter, whether before or after such proof, such creditor shall be entitled for ranking, to treat the claim as unsecured, but for voting or consenting to a discharge, or for any other purpose save ranking, he shall be still considered to hold security within the meaning of this section, and shall for all such purposes put a value on the liability of the party primarily liable thereon as being his security for the payment thereof.

As to creditors holding security for their claims.

Security not matured and Insolvent only secondarily liable.

Claims matured or exigible at date of assignment.

72. *If there be more than one insolvent liable for a debt as partners, and the creditor holds the liability of one of them as security for a debt of the firm, such liability shall be held to be security within the meaning of the foregoing section, and shall be valued and otherwise dealt with, and the claim of the creditor reduced as therein provided, without regard to the special provisions of the said section with respect to negotiable instruments; and if such security consists in such partner having made himself responsible upon a negotiable instrument, his liability shall be valued and*

Security of one partner for a firm debt.

dealt with as aforesaid, and the claim of the creditor shall be reduced accordingly, whether such negotiable paper be or become dishonoured or not.

If the security is on realty or shipping.

73. But if the security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged shall only be assigned and delivered to the creditor, subject to all previous mortgages, hypothecs and liens thereon, holding rank and priority before his claim, and upon his assuming and binding himself to pay all such previous mortgages, hypothecs and liens, *which, in such case, shall not be affected as to their privileges or ranking by the insolvency of the debtor or by such assignment and delivery,* and upon his securing such previous charges upon the property mortgaged, in the same manner and to the same extent as the same were previously secured thereon ; and *an instrument (from Q) shall be executed by the Trustee and the secured creditor, conveying to the latter the property upon which the security attaches, and binding the secured creditor to perform the conditions herein provided for. And* thereafter the holders of such previous mortgages, hypothecs and liens shall have no further recourse or claim upon the estate of the insolvent ; and if there be mortgages, hypothecs or liens thereon, subsequent to those of such creditor, he shall only obtain the property by consent of the subsequently secured creditors ; or upon their filing their claims specifying their security thereon as of no value, or upon his paying them the value by them placed thereon ; or upon his giving security to the Trustee that the estate shall not be troubled by reason hereof.

Form of conveyance to creditor.

Proceedings on the filing of a secured claim.

74. Upon a secured claim being filed, with a valuation of the security, it shall be the duty of the Trustee to procure the authority of the inspectors or of the creditors at their first meeting thereafter, to consent to the retention of the security by the creditor, or to require from him an assignment and delivery thereof; and if any meeting of inspectors or of creditors takes place without deciding upon the course to be adopted in respect of such security he Trustee shall act in the premises according to his discretion and without delay. *And if the security of the creditor consists of a mortgage or hypothec upon immoveable property in the Province of Quebec, and the Trustee shall proceed to sell the same without having procured a decision on the course to be adopted, or without himself deciding thereon, the creditor shall have a right to be paid out of the estate generally the amount of his valuation thereof, with ten per centum added thereto, as if it had been decided formally that an assignment of his security should be demanded from him, and as if he had made such an assignment. And he shall have a right to the portion of the nett proceeds of such sale for which he is entitled to be collocated, not exceeding such valuation, on account of the amount to be paid; and upon payment of the amount of his valuation, with the said addition, all further benefit devriable from such security shall be vested in the Trustee for the benefit of the general creditors.*

If security is immoveable property in Quebec.

Rank of several items of a creditor's claim.

75. The amount due to a creditor upon each separate item of his claim at the time of the execution of a deed of assignment, or of the issue of a writ of attachment, as the case may be, and which shall remain due at the time of

proving such claim, shall form part of the amount for which he shal. rank upon the estate of the insolvent, until such item of claim be paid in full, except in cases of deduction of the proceeds or of the value of his security, as hereinbefore provided; but no claim or part of a claim shall be permitted to be ranked upon more than once, whether the claim so to rank be made by the same person or by different persons; and the Trustee may at any time require from any creditor a supplementary oath declaring what amount, if any, such creditor has received in payment of any item of the debt upon which his claim is founded, subsequently to the making of such claim, together with the particulars of such payment *in order that such item, if paid in fult, may be struck out of the claim*; and if any creditor refuses to produce or make such oath before the Trustee within a reasonable time after he has been required so to do, he shall not be collocated in the dividend sheet.

Oath required of creditor as to payment of his claim.

76. If the insolvent owes debts both individually and as a member of a co-partnership, or as a member of two different co-partnerships, the claims against him shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other, after all the creditors of that other have been paid in full.

Insolvent owing debts as a partner.

77. The creditors, or the same proportion of them that may grant a discharge to the debtor under this Act, may allot to the insolvent, by way of allowance, any reasonable sum of money, or any property they may think proper as a remuneration for services rendered; and the allowance so made shall be inserted in the dividend sheet, and shall be subject to contestation like any other item of collocation therein, but only on the ground of fraud or deceit in procuring it, or of the absence of consent by a sufficient proportion of the creditors.

Allowance to Insolvent, how made.

78. No costs incurred in suits against the insolvent after notice has been given according to the provisions of this Act, of an assignment, or of the issue of a writ of attachment in liquidation, shall rank upon the estate of the insolvent; but all the taxable costs incurred in proceedings against him up to that time shall be added to the demand for the recovery of which such proceedings were instituted; and shall rank upon the estate as if they formed part of the original debt, except as herein otherwise provided.

As to costs in suits against Insolvent, after notice under this Act.

79. Clerks and other persons in the employ of the insolvent in and about his business or trade shall be collocated in the dividend sheet by special privilege for any arrears of salary or wages due and unpaid to them at the time of the execution of a deed of assignment, or of the issue of a writ of attachment under this Act, not exceeding two months of such arrears and also for such salary or wages for a period not exceeding one month of the unexpired portion of the then current year of service,—during which period they shall be bound to perform, under the direction of the Trustee, any work or duty connected with the affairs of the

Privilege of Clerks, &c., for wages.

They may be employed by Trustee.

insolvent, which the insolvent himself might have directed them to perform under their respective engagements; and for any other claim they shall rank as ordinary creditors; and no Trustee, remunerated by commission, shall be entitled to charge for any disbursement for procuring to be performed any service which he might properly have caused to be performed by any such clerk or other person, and for which he might otherwise charge under this Act, and no Trustee whose remuneration is not fixed by this Act shall be entitled to remuneration for any service or for any disbursement in respect of any service which he might properly have caused to be performed by such clerk or other person.

Trustee not to charge for service which might have been performed by such Clerk.

Notice of dividend sheet and payment.

80. So soon as a dividend sheet is prepared, notice thereof (Form N) shall be given by advertisement, and by letter posted to each creditor, inclosing a copy of the dividend sheet noting the claims objected to, and after the expiry of eight days from the day of the last publication of such advertisement, all dividends which have not been objected to, *or which are not upon a claim objected to*, within that period shall be paid.

Contestation of claims by Trustee under Inspectors instructions.

81. It shall be the duty of the inspectors to examine with the Trustee the claims made against the estate, and also each dividend sheet before the expiration of the delay within which the same may be objected to, and to instruct the Trustee as to which claims or collocations should be contested by and on behalf of the estate, whereupon contestation shall be entered and made in the name of the Trustee or of the inspectors or of some individual creditor consenting thereto, and shall be tried and determined by the court or judge; and the costs of such contestation, unless recovered from the adverse party, shall be paid out of the funds belonging to the estate.

Claims not filed how dealt with.

82. If it appears to the Trustee on his examination of the books of the insolvent, or otherwise, that the insolvent has creditors who have not taken the proceedings requisite to entitle them to be collocated, it shall be his duty to reserve dividends for such creditors according to the nature of their claims, and to notify them of such reserve, which notification may be by letter through the post, addressed to such creditors' residences as nearly as the same can be ascertained by the Trustee; and if such creditors do not file their claims and apply for such dividends previously to the declaration of the last dividend of the estate, the dividends reserved for them shall form part of such last dividend.

Dividend reserved.

Claims or dividends objected to, how determined.

83. If any claim be contested at any time, or if any dividend be objected to within the said period of eight days, or if any dispute arises between the creditors of the insolvent, or between him and any creditor, as to the amount of the claim of any creditor, or as to the ranking or privilege of the claim of any creditor upon such dividend sheet, the contestation or objection shall be filed in writing by or before the Trustee, who shall make a record thereof; and the grounds of objection shall be distinctly stated in such writing, and

the party objecting shall also file at the same time the evidence of previous service of a copy thereof on the claimant; and the claimant shall have three days thereafter to answer the same,—which time may, however, be enlarged by the judge, with a like delay to the contestant to reply; and upon the completion of an issue upon such objection, the Trustee shall transmit to the clerk of the court the dividend sheet or a copy thereof with all the papers and documents relating to such objection or contestation; and any party to it may fix a day, of which two days' notice shall be given to the adverse party, for proceeding to take evidence thereon before the judge, and shall thereafter proceed thereon from day to day until the evidence shall have been closed, the case heard and the judgment rendered,—which judgment shall be final unless appealed from in the manner hereinafter provided: the proceeding on the said objection or contestation shall form part of the records of the court, and the judgment shall be made executory as to any condemnation for costs, in the same manner as an ordinary judgment of the court.

Hearing and decision thereon.

Judgment executory.

84. The creditors, or the inspectors, may by resolution authorize and direct the costs of the contestation of any claim or of any dividend, to be paid out of the estate, and may make such order either before, pending, or after any such contestation; they may also, with the sanction of the judge, authorize the payment out of the estate of any costs incurred for the general interest of the estate, whether such costs were incurred by the Trustee, the inspectors or any individual creditor.

Creditors or Inspectors may order costs of contestation of claims, &c., to be paid out of estate.

85. If, at the time of the issue of a writ of attachment, or the execution of a deed of assignment, any immoveable property or real estate of the insolvent be under seizure, or in process of sale, under any writ of execution or other order of any competent court, *such sale shall be proceeded with by the officer charged with the same, and the moneys levied therefrom shall be returned into the court on whose order the sale has been made, to be distributed and paid over to the creditors who shall have any privilege, mortgage or hypothecary claims thereon, according to the rank and priority of such claims;* but the balance of such moneys after the payment of such claims shall be paid to the Trustee to be distributed with the other assets of the estate.

If there be property of Insolvent under seizure at time of assignment attachment: Proceedings.

86. All dividends remaining unclaimed at the time of the discharge of the Trustee shall be left in the bank where they are deposited, for three years; and if still unclaimed, shall then be paid over by such bank, with 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.

Unclaimed dividends, how dealt with.

87. If any balance remains of the estate of the insolvent or of the proceeds thereof, after the payment in full of all debts due by the insolvent, such balance shall be *ordered to*

Balance of estate (if any) to be paid over to Insolvent.

be paid over to the insolvent upon his petition to that effect *after such notice* to the creditors *as is required in respect of the declaration of a dividend.*

PROCEDURE GENERALLY.

Notice pending delay.

88. Whenever a meeting of creditors cannot be held, or an application made, until the expiration of a delay allowed by this Act. notice of such meeting or application may be given pending such delay.

Notices of meeting, &c., how given.

89. Notices of meetings of creditors shall be given by publication thereof, at least one week in the official Gazette of the Province in which they are to take place and *once in one local or the nearest published newspaper, which shall be a daily paper, if one be published at or near the place where proceedings are carried on; both of which notices shall be published not less than ten days before the day fixed for such meeting;* and the Guardian or Trustee shall address notices thereof to the creditors and to all the representatives within the Dominion, of foreign creditors, and shall mail the same at least *ten* days before the day on which the meeting is to take place, the postage being prepaid by such Guardian or Trustee

Cases unprovided for.

In other cases not provided for the Trustee shall advertise as directed by the inspectors or the judge.

Irregularity not to invalidate notice.

But no accidental irregularity in the giving of any notice shall render the notice insufficient, unless the court or judge shall be of opinion that such irregularity has caused some substantial injustice which could only be remedied by renewing such notice, in which case the expense thereof, and all costs and damages incurred by reason of, or growing out of, such irregularity, shall be paid by the Guardian or Trustee.

Meetings of creditors, where held.

90. *The first meeting of creditors shall be held at the office of the Guardian, and subsequent meetings at the office of the Trustee, or at such other place as the creditors or the judge in insolvency may order. Provided always, that if there be a judge in insolvency appointed and acting in and for the county or district within which the proceedings are being carried on, all meetings of creditors shall be held at the place where such judge holds his sittings:* And no creditor shall vote at any meeting unless present personally, or represented *by his cashier, manager, accountant, clerk or book-keeper*, or by some *other creditor or person, which person, except in cases where the creditor resides beyond the limits of the county or district wherein the proceedings are carried on, shall be also a creditor of the insolvent having a written authority to represent him, to be filed with the Trustee; and no creditor with the exception aforesaid shall vote upon more than one such authority, in respect of the appointment of a Trustee.*

Creditors may vote in person or by Attorney.

Only one vote allowed for each claim.

And no more than one person shall vote as a creditor on any claim for the same debt. Persons purchasing claims against an estate after *the date of* insolvency shall not be entitled to vote in respect of such claims, but shall, in all other respects, have the same rights as other creditors; and no claim after being proved shall be divided and transferred *in part* to another person to increase the number of votes at any meeting; and each claim shall continue to have one vote only in number.

91. All questions discussed at meetings of creditors shall be decided by the majority, in number and in value, of the creditors present or represented at such meetings, unless herein otherwise specially provided; but if the majority in number do not agree with the majority in value, the views of each section of the creditors shall be embodied in resolutions. and *the Trustee shall forthwith submit* such resolutions, with a statement of the vote taken thereon, to the judge, who shall decide between them: Provided, however, that no costs of or incidental to any such reference shall be paid out of the estate.

How questions shall be decided at meetings.

Reference to Judge.

Proviso.

92. *At the first meeting of creditors, and also at the second* meeting of creditors, *if it* be called for the ordering of the affairs of the estate generally and it be so stated in the notices calling such meeting, all the matters and things respecting which the creditors may vote, resolve or order, or which they may regulate under this Act, (except when otherwise specially provided) may be voted, resolved or ordered upon and may be regulated at such meeting, without having been specially mentioned in the notices calling such meeting.

What matters may be voted upon, &c., at first or second meeting of creditors.

93. The claims of creditors furnished to the Trustee in the Form O, attested under oath and accompanied by the vouchers on which they are based, *which shall then and there be endorsed and initialed by the Trustee as having been produced as vouchers for such claims*: or when vouchers cannot be produced, accompanied by such affidavit or other evidence as in the opinion of the Trustee shall justify the absence of such vouchers; *and if secured in whole or in part, containing a valuation of said security as required by this Act,* shall *be placed upon the list of claims proved, and the creditors filing the same shall have the right to vote and rank as proved creditors unless such claims are set aside or reduced by a judgment of a competent court. But such vouchers, if consisting of negotiable paper, shall always be produced by the creditor at the time of his application for any dividend. And at any meeting of creditors held before a judge, the judge in his discretion shall have the right to make an order, rejecting for the purposes of that meeting, the vote of any creditor who appears to have an interest in the result of such vote, different from, or adverse to, the interest of the creditors generally: or whose claim is irregular or appears to be unfounded. And the judge may interrogate such creditor informally at such meeting, for the purpose of informing himself as to the interest or claim of such creditor.—And such order shall not be subject to any appeal or revision, either direct or indirect.*

Form and proof of claims.

What vouchers in support shall contain.

At meetings before a judge he may reject vote of any creditor; no appeal.

94. Any affidavit required in proceedings in insolvency may be made by the party interested, his agent or other party having a personal knowledge of the matters therein stated, and may be sworn in Canada before the Trustee or before any Guardian, Judge, Notary Public, Commissioner for taking affidavits, or Justice of the Peace, and out of Canada before any Judge of a Court of Record, any Commissioner for taking affidavits appointed by any Canadian Court, any Notary Public, the chief municipal officer for any town or city, or any British Consul or Vice-Consul, or before any person authorized by any Statute of the Dominion or of

Affidavits in insolvency, before whom sworn.

any Province thereof, to take affidavits to be used in any court of justice in any part of the Dominion.

Compensation and set-off, how applied.

95. The law of *compensation and* set-off, as administered by the courts whether of law or equity, shall apply to all claims in insolvency and also to all suits instituted by a Trustee for the recovery of debts due to the insolvent, in the same manner and to the same extent, as if the insolvent were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this Act respecting frauds or fraudulent preferences; *and except also that this provision shall not apply to any ordinary deposits in Banks, Saving Banks or other financial companies or corporations; which deposits shall belong to the estate, unless some right of lien or of retention is created in respect of such deposits, by the constitution or charter of the body holding such deposit or in conformity therewith.*

Exception as to fraud, deposits in banks, &c.

Commissions for examination of witnesses.

Subpœnas to witness.

96. The court or 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 may order a writ of *subpœna ad testificandum* or of *subpœna duces tecum* to issue, commanding the attendance as a witness, or for examination under the provisions of this Act, of any person within the limits of Canada. And all rules, writs of subpœna, orders and warrants, issued by any court or judge in any matter or proceeding under this Act, may be validly served in any part of Canada upon the party affected or to be affected thereby; and the service of them, or any of them, may be validly made in such manner as is now prescribed for similar services in the Province within which the service is made; and the person charged with such service shall make his return thereof under oath, or, if a sheriff or bailiff in the Province of Quebec, may make such return under his oath of office.

Service of process, &c.

Disobedience to writs and orders, how punishable.

97. In case any person so served with a writ of *subpœna* or with an order to appear for examination, does not appear according to the exigency of such writ or process, the court or the judge on whose order or within the limits of whose territorial jurisdiction the same is issued, may, upon proof made of the service thereof, and of such default, if the person served therewith has his domicile within the limits of the Province within which such writ or process issued, constrain such person to appear and testify, and punish him for non-appearance or for not testifying in the same manner as if such person had been summoned as a witness before such court or judge in an ordinary suit; and if the person so served and making default, has his domicile beyond the limits of the Province within which such writ or process issued, such court or judge may transmit a certificate of such default to any of Her Majesty's superior courts of law or equity in that part of Canada in which the person so served resides, and the court to which such certificate is sent, shall thereupon proceed against and punish such person so having made default, in like manner as it might have done if such person had neglected or refused to appear to a writ of *subpœna*

or other similar process issued out of such last-mentioned court ; and such certificate of default attested by the court, judge or Trustee before whom default was made, and copies of such writ or process and of the return of service thereof certified by the clerk of the court in which the order for transmission is made, shall be *primâ facie* proof of such writ or process, service, return, and of such default. Proof of default, &c.

98. No such certificate of default shall be so transmitted nor shall any person be punished for neglect or refusal to attend for examination in obedience to any *subpœna* or other similar process, unless it be made to appear to the court or judge transmitting, and also to the court receiving such certificate, that a reasonable and sufficient sum of money, according to the rate *per diem* and per mile, allowed to witnesses by the law and practice of the superior courts of law within the jurisdiction of which such person was found, to defray the expenses of coming and attending to give evidence, and of returning from giving evidence, had been tendered to such person at the time when the writ of *subpœna*, or other similar process, was served upon him. Expenses must be tendered to person summoned as a witness, &c.

99. The forms appended to this Act, or other forms in equivalent terms, shall be used in the proceedings for which such forms are provided ; and in every contestation of a claim, collocation or dividend, or of an application for confirming or annulling a discharge, the facts upon which the contesting party relies shall be set forth in detail, with particulars of time, place and circumstance ; and no evidence shall be received upon any fact not so set forth ; but in every petition, application, motion, contestation or other pleading under this Act, the parties may state the facts upon which they rely, in plain and concise language, to the interpretation of which the rules of construction applicable to such language in the ordinary transactions of life shall apply. Forms under this Act. Ordinary language may be used in petition, &c.

100. No plea or exception alleging or setting up any discharge or certificate of discharge, granted under the bankrupt or insolvent law of any country whatsoever beyond the limits of the Dominion, shall be a valid defence or bar to any action instituted in any Court of competent jurisdiction in the Dominion, for the recovery of any debt or obligation contracted, *or expressly made payable* within such limits. Foreign discharges not to bar debts contracted in Canada.

101. The rules of procedure as to amendments of pleadings, which are in force at any place where any proceedings under this Act are being carried on, shall apply to all proceedings under this Act ; and any Court or Judge, or Trustee, before whom any such proceedings are being carried on, shall have full power and authority to apply the appropriate rules as to amendments, to the proceedings so pending before him ; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended under the rules and practice of the Court. And if, after the date of insolvency, and before obtaining *the confirmation of* his discharge, the insolvent sues As to amendments in proceedings under this Act. Insolvent suing must

give security for costs.

out any writ, or institutes or continues any proceediug whatever, he shall give to the opposite party such security for costs as shall be ordered by the Court before which such suit or proceeding is pending, before such party shall be bound to appear or plead to the same, or take any further notice therein.

Provision in case of death of Insolvent.

102. The death of the Insolvent, pending proceedings in liquidation, shall not affect such proceedings or impede the winding-up of his estate; and his heirs or other legal representatives may continue the proceedings on his behalf for the confirmation of a discharge; and *for the purpose of such proceedings* the provisions of this Act shall apply to the heirs, administrators or other legal representatives of any deceased person who, if living, would be subject to its provisions, but only in their capacity as such heirs, administrators or representatives, without their being held to be liable for the debts of the deceased to any greater extent than they would have been if this Act had not been passed.

Representatives, how far liable for debts or subject to provisions of this Act.

Costs; on what property and in what order chargeable.

103. The *disbursements necessary in selling any real or immoveable property, or any personal or moveable property charged with any privilege or lien, and the commission payable to the Trustee in respect of the proceeds of such sale, if any there be, shall be paid as a first charge upon the proceeds of such sale; the general* disbursements necessary for winding up the estate shall be the next charge on the unincumbered assets of the estate; and the *commission payable to* the Trustee, *in respect of the unincumbered assets*, shall be paid therefrom as the last *preferential* charge thereon. But no portion of the assets or property chargeable with any mortgage, hypothec or lien, except *such part of the proceeds as* may remain after payment of such mortgage or lien, shall be liable for any *commission to the Trustee, nor for any charge or disbursement, except a fair proportion of the* costs necessarily incurred in realizing such assets and property.

As to assets chargeable with mortgages, &c.

Provisions as to letters addressed to Insolvent by Post.

104. The Judge shall have the power, upon special cause being shown before him under oath for so doing, to order any postmaster to deliver to the Guardian or Trustee letters addressed to the Insolvent, and to authorize the Guardian or Trustee to open such letters in the presence of the clerk, and in the presence of the insolvent or after notice given to him by letter through the post, if he be within the Province; and if such letters be upon the business of the estate the Guardian or Trustee shall retain them, giving communication of them, however, to the insolvent on request; and if they be not on the business of the estate they shall be resealed, endorsed as having been opened as aforesaid, and given to the insolvent or returned to the post office; and a memorandum in writing of the doings of the Guardian or Trustee in respect of such letters, shall be made and signed by him and by the clerk, and deposited in the Court.

Disqualification of Judge.

105. All causes of disqualification applying to a Judge in civil matters in any Province, shall be causes of disqualification and recusation under this Act, as regards the final hear-

ing and determination of any matter subject to appeal or revision under this Act; but shall not apply to mere ministerial acts or incidental proceedings; and such causes of disqualification shall be tried as provided for by the laws in force in the Province where the proceedings are pending. If a Judge be disqualified or incompetent to act in any matter in insolvency under this section, the Judge competent to act in matters of insolvency in a county or district adjoining that in which the proceedings are pending and who is not disqualified, shall be the Judge who shall have jurisdiction in such matter, in the place of the Judge so disqualified.

What Judge to act in such case.

106. In the absence of the Judge from the chief place of any district in the Province of Quebec, the prothonotary of the Court shall preside at the meetings of creditors called to take place before the Judge, and shall take minutes of the proceedings at the same, and shall in such cases as well as in all others, make any order which the Judge is empowered to make; but the same shall not be delivered nor put into execution if any objection to it is fyled with the prothonotary, the same day or the next after, but the whole matter and all the papers and proceedings, produced and had at such meeting shall then be referred to the Judge, who shall adjudicate upon the same, confirming the order made by the prothonotary, or making such other as he may think best in the case.

Prothonotary to preside (in Quebec) in absence of Judge.

Order of Prothonotary to be referred to Judge, if objected to.

107. 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, or for any service performed or work done for which costs are allowed by this Act (but the amount whereof is not hereby fixed,) 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 proceedings under this Act as the rules of practice and tariff of fees of the Superior Court apply to and affect 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.

Rules of practice, Tariff of Fees and Bills of Costs in the Province of Quebec; how to be made.

108. In the Province of Ontario, the Judges of the superior courts of common law, and of the Court of Chancery, or any five of them, of whom the Chief Justice of the Province of Ontario, or the 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,—in the Province of of Nova Scotia, the Judges of the Supreme Court of Nova Scotia, or the majority of them,—in the Province of British

And in the other Provinces.

Columbia, the Judges of the Supreme Court, or the majority of them,—in the Province of Prince Edward Island, the Judges of the Supreme Court, or the majority of them,—and in the Province of Manitoba, the Judges of the Court of Queen's Bench, or a majority of them,—shall forthwith make and frame and settle the forms, rules and regulations, to be followed and observed in the said Provinces respectively, in proceedings in 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 courts, whether for the officer or for the Crown as a fee for the fee fund or otherwise, and by or to sheriffs, Guardians or other persons whom it may be necessary to provide for, or for any service performed or work done for which costs are allowed by this Act, but the amount whereof is not hereby fixed.

Proviso. Present rules, &c., to remain until al ered.

And until such rules of practice and tariff of fees have been made, as required by the two preceding sections, the rules of practice and tariff of fees in insolvency, now in force in the said Provinces respectively, shall continue and remain in full force and effect.

Guardian and Trustee to be subject to summary jurisdiction of Court.

109. Every *Guardian* and *Trustee* shall be subject to the summary jurisdiction of the court and to the summary jurisdiction of a judge thereof, *sitting and acting in insolvency proceedings*, in the same manner and to the same extent as the ordinary officers of the court are subject to the jurisdiction *of the court;* and shall be accountable for the moneys, *books*, *documents*, property and estates coming into his possession as such Guardian or Trustee, in the same manner as the sheriffs and other officers of the court are. And the performance of his duties may be compelled; and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, hypothec, lien or right of property upon, in or to, any effects or property in the hands, possession or custody of a Guardian or Trustee may be obtained, by an order of the court or judge on summary petition either in vacation or in term, and not by any suit, attachment, opposition, seizure or other proceeding of any kind whatever; and obedience by the Guardian or Trustee to any order of the court or judge may be enforced by the court or judge under the penalty of imprisonment as for contempt of court or disobedience thereto, or, *if a Guardian or Trustee* he may be removed from office in the discretion of the court or judge. *And all proceedings in the exercise of such summary jurisdiction shall be had and taken in the most simple and expeditious manner consistent with justice, and without the necessity for any pleadings in writing, unless expressly ordered by the court or judge; the clerk in that case noting them upon the records of the court.*

Accountable for moneys, &c.

Performance of duties may be compelled.

Obedience how enforced.

Mode of conducting proceeedings.

Registration of marriage contracts of traders in Quebec.

110. In the Province of Quebec, every trader having a marriage contract with his wife, by which he gives or promises to give or pay, or cause to be paid, any right, thing, or sum of money, shall enregister the same, within three months from the execution thereof; and every person not a trader, but

hereafter becoming a trader, and having such a contract of marriage with his wife, shall cause such contract to be enregistered as aforesaid (if it be not thereto previously enregistered,) within thirty days from becoming such trader; and in default of such registration the wife shall not be permitted to avail herself of its provisions in any claim upon the estate of such insolvent for any advantage conferred upon or promised to her by its terms; nor shall she be deprived by reason of its provisions of any advantage or right upon the estate of her husband, to which, in the absence of any such contract, she would have been entitled by law; but this section shall be held to be only a continuance of the second sub-section of section twelve of the "*Insolvent Act* of 1864," and of section one hundred and forty of the "*Insolvent Act of* 1869," *and of section one hundred and twenty-six of the Insolvent Act of* 1875. *And if default has occurred in the registration thereof as required by the said Acts or any of them, the consequences of such default shall be the same as if such default had occurred under the provisions of this Act.*

Consequences of default of registration.

IMPRISONMENT FOR DEBT.

111. Any debtor confined in gaol or on the limits in any civil suit, who may have made the assignment provided for in this Act, or against whom process for liquidation under this Act may have been issued, may, at any time after the meeting of creditors provided for in this Act, make application to the judge of the county or district in which his domicile may be, or in which the gaol may be in which he is confined, for his discharge from imprisonment or confinement in such suit; and thereupon such judge may grant an order in writing directing the sheriff or gaoler to bring the debtor before him for examination at such time and place in such county or district as may be thought fit; and the said sheriff or gaoler shall duly obey such order, and shall not be liable to any action for escape in consequence thereof, or to any action for the escape of the said debtor from his custody, unless the same shall have happened through his default or negligence; or if the debtor is confined in the county or district in which the judge does not reside, the judge, instead of ordering the debtor to be brought before him for examination may, if he sees fit, make an order authorizing and directing the Trustee *of his estate* to take such examination, and it shall be the duty of *such* Trustee to take down or cause to be taken down such examination fully in writing, and transmit the same under his hand forthwith to the judge; and the Trustee shall be entitled to ten cents for each folio of one hundred words of such examination.

Insolvent in Gaol or on the limits may apply to Judges for discharge from confinement.

Proceedings thereon.

(1.) In pursuance of such order, the confined debtor and any witnesses subpœnaed to attend and give evidence at such examination may be examined on oath at the time and place specified in such order before such judge or Trustee; and if on such examination it appears to the satisfaction of the judge that the said debtor has *bonâ fide* made an assignment as required by this Act, and has not been

Examination of confined debtor and witnesses.

Judge may discharge him if the examination be satisfactory.

guilty of any fraudulent disposal, concealment or retention of his estate or any part thereof, or of his books and accounts or any material portion thereof, or otherwise in any way contravened the provisions of this Act, such judge shall, by his order in writing, discharge the debtor from confinement or imprisonment; and on production of the order to the sheriff or gaoler, the debtor shall be forthwith discharged without payment of any gaol fees: Provided always, that no such order shall be made in any case unless it be made to appear to the satisfaction of such judge that at least seven days' notice of the time and place of the said examination had been previously given to the plaintiff in the suit for which the debtor was imprisoned, or to his attorney, and to the Assignee for the time being.

Proviso :— Notice of examination to imprisoning plaintiff.

Minutes of examination to be kept.

(2.) The minutes of the examination herein mentioned shall be filed in the office of the clerk of the court out of which the process issues, and a copy thereof shall be delivered to the Trustee; and if during the examination or before any order be made, the Trustee or the creditor or any one of the creditors at whose suit or suits the debtor is in custody, makes affidavit that he has reason to believe that the debtor has not made a full disclosure in the matters under examination, the judge may grant a postponement of such examination for a period of not less than seven days nor more than fourteen days, unless the parties consent to an earlier day.

Postponement of examination in certain cases.

As to subsequent arrest.

(3.) After such examination, in case of any subsequent arrest in any civil suit as aforesaid for causes of action arising previously to the assignment or process for liquidation, the said debtor may, pending further proceedings against him under this Act, be forthwith discharged from confinemens or imprisonment in such suit, on application to any judge and on producing such previous discharge: Provided that nothing in this section contained, shall interfere with the imprisonment of the said debtor, in pursuance of any of the provisions of this Act.

Proviso.

APPEAL.

Non-appealable or final judgments— what are.

112. *All matters and things decided, and all rules and orders made by any court or judge in deciding between the majority in number and the majority in value of the creditors; or in respect of the performance by a Guardian or Trustee of his duties under this Act, or of his appointment or election; or of his obedience to the order of a court or judge; or in respect of his charges, commission, fees or disbursements; or in respect of any matter appertaining to the discipline of the court while sitting in insolvency; or in respect of any matter of routine or of order in the proceedings for winding-up an estate in Insolvency; shall be final and conclusive, and shall not be susceptible of appeal or of revision; save and except that any court or judge may on motion or petition remodel or revise his or its own ruling in respect of any such matters or things, rules or orders. And in* the Province of Quebec all other decisions by a judge in matters of insolvency shall be considered as judgments of the Superior Court, and any final order or judgment rendered by such judge or court, *save as hereinbefore otherwise pro-*

Appealable judgments in Province of Quebec.

vided, may be inscribed for revision or may be appealed from by the parties aggrieved in the same cases and in the same manner as they might inscribe for revision or appeal from a final judgment of the Superior Court in ordinary cases, under the law in force when such decision shall be rendered.

Appeal in other Provinces.

113. If any of the parties to any contestation, matter or thing upon which such judge has made any final order or judgment except such rules or orders, matters and things as are hereinbefore declared to be final, are dissatisfied with such order or judgment, they may, in the Province of Ontario, appeal therefrom to the Court of Error and Appeal, ; in the Province of New Brunswick to the Supreme Court of New Brunswick; in the Province of Nova Scotia to the Supreme Court of Nova Scotia ; in the Province of British Columbia to the Supreme Court of that Province ; in the Province of Prince Edward Island to the Supreme Judicature; in the Province of Manitoba, to the Court of Queen's Bench; and the judgment upon such appeal shall be final.

Judgment on appeal to the final.

Appeal to be prosecuted within eight days, or sureties given for prosecution.

114. No such appeal or proceeding in revision shall be entertained unless the appellant or party inscribing for revision shall have within eight days, from the rendering of such final order or judgment, adopted proceedings on the said appeal or revision or unless he shall within the said delay have made a deposit or given sufficient sureties before a judge that he will duly prosecute the said appeal or proceedings in revision, and pay such damages and costs as may be awarded to the respondent. If the party appellant does not proceed with his appeal, or in review, as the case may be, according to the law or the rules of practice, the Court, on application of the respondent, may order the record to be returned to the officer entitled to the custody thereof and condemn the appellant to pay costs. And pending the contestation of any claim, and of any appeal or proceeding in revision *in respect thereof*, the Trustee shall reserve a dividend equal to the amount of the dividend *upon such claim, or the dividend already collocated to the claimant, as the case may be, until such contestation shall be finally decided.*

If appellant does not proceed.

Reservation of amount of dividend

FRAUDS AND FRAUDULENT PREFERENCES.

Gratuitous contracts, within three months of insolvency presumed fraudulent.

115. All gratuitous contracts or conveyances, or contracts without consideration, or with a 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 date of a demand of an assignment or for the issue of a writ of attachment under this Act whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, or at any time afterwards, 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

Contracts injurious to creditors to be also deemed fraudulent.

exist, 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.

Contracts for consideration within thirty days of insolvency voidable.

116. 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 a demand of an assignment or the issue of a writ of attachment under this Act, or at any time afterwards, whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, is voidable, and may be set aside by any Court of competent jusisdiction, 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 defraud creditors to be void.

117. All contracts, *mortgages*, *hypothecs*, 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 preferential sales, &c., to be void.

118. If any sale, *mortgage*, hypothec, 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, moveable or immoveable, 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 a demand of an assignment, or for the issue of a writ of attachment under this Act, or at any time afterwards, whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, it shall be presumed *primâ facie* to have been so made in contemplation of insolvency.

Presumption of fraud.

Certain payments by debtor void.

119. Every payment made within thirty days next before a demand of an assignment, whenever such demand shall have been followed by an assignment, or by the issue of a writ of attachment, or within thirty days next before the issue of a writ of attachment under this Act, when such

writ has not been founded upon a demand, 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, shall be 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.

Proviso: Security given to be restored to creditor..

120. Any transfer of a debt due by the insolvent, made within the time and under the circumstances, in the next preceding section mentioned, or at any time afterwards, whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, 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 in the place and stead of the original creditor.

Transfer of certain debts by Insolvent void.

OFFENCES AND PENALTIES.

121. Any person who, for himself or for any firm, partnership or company of which he forms part, or as the manager, trustee, agent or employee of any person, firm, copartnership or company, purchases goods on credit, or procures any advance in money, or procures the indorsement or acceptance of any negotiable paper without consideration, or induces any person to become security for him, knowing or having probable cause for believing himself or such person, firm, copartnership or company for which he is acting to be unable to meet his or its engagements, and concealing the fact from the person thereby becoming his creditor, with the intent to defraud such person, *which intent shall be presumed from such knowledge, and from such concealment thereof, subject to rebuttal by the person accused*; or who by any false pretence obtains a term of credit for the payment of any advance or loan of money, or of the price or any part of the price of any goods, wares or merchandise, with intent to defraud the person thereby becoming his creditor, or the creditor of such person, firm, copartnership, or company, and who shall not afterwards have paid or caused to be paid the debt or debts so incurred, shall be held to be guilty of a fraud, and shall be liable to imprisonment for such time as the court may order, not exceeding two years, unless the debt and costs be sooner paid. *And such debt shall be recoverable by civil suit in the ordinary manner, in the Court having jurisdiction in ordinary actions of debt, in the place where such debt was contracted.* Provided always, that in the suit or proceeding taken for the recovery of such debt or debts, the defendant be charged with such

Purchasing goods on credit, &c., by persons knowing themselves unable to pay, to be fraud, and how punishable.

Debt, how recovered.

Proviso.

fraud, and be declared to be guilty of it by the judgment rendered in such suit or proceeding.

Fraud must be proved if denied.

122. Whether the defendant in any such case appears and pleads, or makes default, the plaintiff shall be bound to prove the fraud charged, and upon his proving it, if the trial be before a jury, the judge who tries the suit or proceeding shall immediately after the verdict rendered against the defendant for such fraud (if such verdict is given), or if not before a jury, then immediately upon his rendering his judgment in the premises, adjudge the term of imprisonment which the defendant shall undergo; and he shall forthwith order and direct the defendant to be taken into custody and imprisoned accordingly; but such judgment shall be subject to the ordinary remedies for the revision thereof, or of any proceeding in the case.

Award of imprisonment.

Revision of judgement.

Guardians and Trustees to be deemed agents for certain purposes. 32-33 V., c. 21.

Direction in writing presumed.

Right of property.

123. Every *Guardian and* Trustee is an agent within the meaning of the seventy-sixth and following sections of the "*Act respecting Larceny and other similar offences*," and every provision of this Act, or resolution of the creditors *or inspectors, and every order of the Court or judge* relating to the duties of a Guardian or Trustee, shall be held to be a direction in writing, within the meaning of the said seventy-sixth section; and in an indictment against aGuardian or Trustee, under any of the said sections, the right of property in any moneys, security, matter or thing, may be laid in " the creditors of the insolvent (*naming him,*) unde rthe *Insolvency Act of* 1879."

Punishment of Insolvent making wilful misstatements.

124. Any Trustee who in any certificate *issued under the povisions of* this Act shall wilfully misstate or falsely represent any material fact *with intent to* deceive the judge, the creditors or the inspectors, *or any of them*, shall be guilty of a misdemeanor, and shall be liable at the discretion of the court before which he shall be convicted, to imprisonment for a term not exceeding three years.

Certain Acts by Insolvent to be misdemeanors.

125. From and after the *passing* of this Act, any insolvent who, with regard to his estate,—or any president, director, manager, or employee of any copartnership, or of any incorporated company not specially excepted in the first section of this Act, with regard to the estate of such copartnership or company; who shall do any of the acts or things following with intent to defraud, or to defeat the rights of his or its creditors, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the Court before which he is convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing Statute.

Not stating causes of insolvency and not fully discovering or notdelivering property, books, papers, &c.

a. If he does 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, or laid

out in ordinary family or household expenses, and fully, clearly and truly state the causes to which his insolvency is owing; or shall not deliver up to the Trustee all such part thereof as is in his possession, custody or power, (except such part thereof as is exempt from seizure as hereinbefore provided,) and also all books, papers and writings in his possession, custody or power relating to his property or affairs;

Removing property.

b. If, within thirty days prior to the demand of assignment, or the issue of a writ of attachment under this Act, he removes, conceals or embezzles any part of his property, to the value of fifty dollars or upwards with intent to defraud his creditors, *or any of them*;

Not denouncing false claims.

c. If, in case of any person having to his knowledge or belief proved a false debt against his estate, he fail to disclose the same to the Trustee within one month after coming to the knowledge or belief thereof;

False schedule.

d. If, with intent to defraud, he wilfully and fraudulently omits from his schedule any effects or property whatsoever;

Withholding books, &c.

e. If, with intent to conceal the state of his affairs, or to defeat the object of this Act or of any part thereof, he conceals, or prevents, or withholds the production of any book, deed, paper or writing relating to his property, dealings or affairs;

Concealing or falsifying books, or making false extracts from.

f. If, with intent to conceal the state of his affairs or to defeat the object of the present Act or of any part thereof, he parts with, conceals, destroys, alters, mutilates, or falsifies, or causes to be concealed, destroyed, altered, mutilated or falsified, any book, paper, writing or security or document relating to his property, trade, dealings or affairs, or makes or is privy to the making of any false or fraudulent entry or statement in or omission from any book, paper, document or writing relating thereto;

Stating fictitious losses or expenses.

g. If, at his examination at any time, or at any meeting of his creditors held under this Act, he attempts to account for the non-production or absence of any of his property by *representation of* fictitious losses or expenses;

Disposing of goods not paid for.

h. If, within the three months next preceding the demand of assignment, or the issue of a writ of attachment in liquidation, he pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, any property, goods or effects, the price of which remains unpaid by him during such three months.

Offences against this Act, how tried.

126. Every offence punishable under this Act shall be tried as other offences of the same degree are triable in the Province where such offence is committed.

Creditors taking consideration for granting discharge, &c.

127 If any creditor of an insolvent, directly or indirectly, takes or receives from such insolvent, any payment, gift, gratuity or preference, or any promise of payment, gift, gratuity or preference, as a consideration or inducement to consent to the discharge of such insolvent; or if any person knowingly *files a claim on the estate of an insolvent for a sum of money not due to him by the insolvent or by his estate, or votes, or offers his vote at any meeting of creditors upon any such claim, or ranks or attempts or claims to rank,*

Or fileing a claim for money not due.

Penalty.

on any such claim, such creditor shall forfeit and pay a sum equal to treble the value of the payment, gift, gratuity or preference so taken, received or promised, or treble the amount improperly ranked for as the case may be, and the same shall be recoverable by the Trustee for the benefit of the estate, by suit in any competent Court, and when recovered, shall be distributed as part of the ordinary assets of the estate.

Imprisonment if no assets.

And in default of assets to satisfy any execution which shall be issued to levy the amount so forfeited or any part thereof, such person shall be subject to be imprisoned with hard labour for a period not exceeding six months, unless the amount so remaining unsatisfied, and all legal costs and expenses be sooner duly paid.

Punishment of Insolvent receiving money, &c., and not delivering the same to Assignee.

128. If after a demand is made for an assignment of his estate, *or a writ of attachment has issued* under this Act, as the case may be, when such demand is followed by an assignment under this Act, the insolvent retains or receives any portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, or evidences of debt, or any sum or sums of money, belonging or due to him, and retains and withholds from the *Guardian* or *afterwards* from the Trustee, without lawful right, such portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, evidences of debt, sum or sums of money, the *Guardian* or Trustee may make application to the judge, by summary petition, and after due notice to the insolvent, for an order for the delivery over to him of the effects, documents, or moneys so retained; and in default of such delivery in conformity with any order to be made by the judge upon such application, such insolvent may be imprisoned in the common goal for such time, not exceeding one year, as such judge may order.

Proceedings.

Imprisonment for disobeying order for delivery.

Certain documents to be *primâ facie* evidence.

129. Deeds of assignment, *release* and transfer, made under the provisions of this Act, or in the Province of Quebec authentic copies thereof; or a duly authenticated copy of the record of the appointment of the Trustee certified by the clerk, under the seal of the Court, shall be *primâ facie* evidence in all Courts, whether civil or criminal, of such appointment, and of the regularity of all proceedings at the time thereof, and antecedent thereto.

BUILDING AND JURY FUND.

Contribution to the Building and Jury Fund.

130. One per centum upon all moneys proceeding from the sale by a Trustee, under the provisions of this Act, of any immoveable property in the Province of Quebec, shall be retained by the Trustee out of such moneys, and shall, by such Trustee, be paid over to the sheriff of the district, or of either of the Counties of Gaspé or Bonaventure, as the case may be, within which the immoveable property sold shall be situate, to form part of the Building and Jury Fund of such district or county.

Lieut.-Governor of Quebec

131. This Act shall not interfere with the powers of the Lieutenant Governor *of the Province of Quebec* in Council

with respect to imposing a tax or duty upon proceedings under this Act, which are conferred upon the Governor in Council by the thirty-second and thirty-third sections of the one hundred and ninth chapter of the Consolidated Statutes for Lower Canada, and by the Act intituled : *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada.*

to have certain powers. Con. Stat., L.C., cap. 109.

PROCEDURE IN THE CASE OF INCORPORATED COMPANIES.

132. The provisions of this Act shall apply to the estates of incorporated companies, not specially excepted in the first section of this Act, subject to the following modifications :—

Provisions for incorporated Companies.

(1.) No writ of attachment shall issue against the estate of an incorporated company except upon the order of the judge, and after notice of at least forty-eight hours has been given to such company of the application for such writ. The judge, in all cases where proceedings have been adopted under this Act against an incorporated company, may, before granting a writ of attachment, order a competent person to be appointed by him to inquire into the affairs of the company, and report thereon within a period not exceeding ten days from the date of such order :

Order and notice of issuance of writ of attachment.

Inquiry into affairs by Assignee.

(2). Upon such order it shall be the duty of such company, and of the presidents, directors, managers and employees thereof, and of every other person, having possession or knowledge thereof, to exhibit to the person so appointed, or to his deputy, the books of account together with all inventories, papers, and vouchers referring to the business of the company, or of any other person ; and generally to give all such information as may be required by such person to form a just estimate of the affairs of the said company ; and any refusal on the part of the said president, directors, managers or employees of the company to give such information shall, on evidence of such refusal, be considered as a contempt of an order of the court or judge, and punishable by fine or imprisonment or by both at the discretion of the judge :

Company to exhibit books, &c.

Refusal to be contempt of Court.

(3.) From the time the above order is served upon the company, the president, directors, managers and employees thereof, and all other persons having the control or possession of its affairs or property, shall hold the estate and property of the said company upon trust for the creditors of the said company, and shall be bound to account for all the property of the said company under the same obligations, liabilities and responsibilities as trustees appointed by courts of law or equity in the several Provinces, or as guardians or sequestrators in the Province of Quebec, are bound :

After service of order, Company to hold property in trust.

(4.) Upon the report of the person so appointed, or before any order is given for the examination into the affairs of the company, as herein provided, the judge may order that a meeting of the creditors be called and held in the manner provided for by this Act for the first meeting of creditors, at which meeting the creditors present in person or represented by proxy, who shall *have proved their claims as hereinbefore*

Meeting of creditors may be called.

Resolutions thereat.

provided, may pass such resolutions either for the winding up of the affairs of the company or for allowing the business thereof to be carried on as they may deem most advantageous to the creditors ; and may also appoint two inspectors and indicate the mode in which the business of the company should be wound up or should be continued :

To be submitted to Judge.

(5.) The resolutions so adopted shall be submitted to the judge at the time and place appointed at the meeting, and at least forty-eight hours' notice shall be given by the person so apointed to the company, of the time and place so fixed :

Notice to Company.

Powers of Judge in relation thereto.

(6.) The judge, after hearing such creditors as may be present, the person so appointed by him and the company. may confirm, reject, or modify the said resolutions ; and he may order the immediate issue of a writ of attachment to attach of the company, or direct that the issue of such writ shall the estate be suspended for a period not exceeding six months, —during which period he may order that such person or the inspectors (if any have been appointed by the creditors) shall exercise a general supervision over the estate and business of the said company by requiring from the president, directors, managers and employees of the company such periodical accounts and statements of the business done, and of the moneys received and expended or disbursed since the last statement, as may be required by the inspectors or the person so appointed, to obtain a proper knowledge of the affairs ofthe company :

Order may be made by Judge giving person appointed or inspector, supervision over estate.

Receiver may appointed.

(7.) The judge may also, if he deems it for the advantage of the creditors, appoint a Receiver charged with such duties as to the superintendence or management of the affairs of the company as may be imposed upon him by the order of the judge ; and who shall also assume and be invested with all the powers vested in the directors and stockholders respecting the calling in and collecting of the unpaid stock of the company, and subject to such orders and directions as he may, from time to time, receive from the judge.

Powers.

To render account.

(8.) Such Receiver shall account, whenever ordered by the Court or judge, for all the moneys or property he may have received from the estate :

Further meeting within six months.

(9.) Before the expiration of the six months next after such order, the person appointed by the Judge as aforesaid, or the Receiver, as the case may be, shall cause another meeting of the creditors to be called :

Further delay may be granted.

(10.) On the resolutions adopted at such meeting, the judge may either grant a further delay not exceeding six months, or cause a writ of attachment to issue at the instance of any creditor or creditors.

If demands are unsatisfied estate of company may be wound up.

(11.) If, at the expiration of such prolonged delay, the demands made upon the company to place it in liquidation have not been satisfied, the judge shall order the issue of a writ of attachment ; and the estate of the said company shall be wound up under the provisions of this Act, unless the creditor or creditors entitled to such writ shall consent to a further delay :

Judge may modify orders.

(12.) Nothing in this section shall prevent the judge before the expiration of the delays he may have granted under the preceding sub-sections, from cancelling the orders so given by him, and from ordering the issue of a writ of

attachment or from releasing the company from the effect of any such order, as circumstances may require :

Officers of Company may be examined and punished for refusal to answer.

(13.) The president, directors, managers or other officers or employees of the company, and any other person, may be examined by the Trustee or by the judge on the affairs of the company, and each of them shall, for refusal to answer questions put in reference to the business within his own cognizance, be liable to the same penalties as ordinary traders refusing to answer questions put under the provisions of this Act :

Remuneration for services under this section.

(14.) The remuneration for services performe dunder the preceding sub-sections shall be fixed by the judge. *And in all other respects the provisions of this Act respecting the remuneration of the Guardian and of the Trustee, the expenses of the estate and the appropriation and distribution of its proceeds, and the provisions respecting offences and their punishment, and generally all the provisions of this Act not inconsistent with the special provisions hereby made, shall apply to the liquidation of estates of joint stock companies.*

Company may make an assignment pending delay.

(15.) Nothing in the preceding sub-sections shall prevent the president, directors, managers or employees of the company, on being duly authorized to that effect, from making an assignment of the estate of such company to a *Guardian* in the form provided by this Act, before the expiration of the delays which may have been granted to such company by the court or judge.

THE JUDGE IN INSOLVENCY.

Governor may appoint Judge in Insolvency.

133. *If it shall appear to the Governor in Council that* in the City of Montreal, *the duties to be performed, under the provisions of this Act, by the court or judge, materially interfere with the ordinary course of the administration of the law, the Governor in Council may appoint any barrister or advocate, of not less than ten years' standing, to act in all matters in insolvency under this Act in the place and stead of such court or judge, and such barrister or advocate shall be called the judge in insolvency, and shall have, within the territorial limits which shall be defined by the terms of his appointment, all the powers and jurisdiction which are conferred upon the court and upon the judge by the provisions of this Act.*

Permanent officer, paid by salary, not fees.

(2.) *Such judge shall hold office during good behaviour, but shall be removeable by the Governor-General on address by the Senate and House of Commons. He shall receive no fees, but shall receive a salary not exceeding dollars per annum, the amount of which shall be fixed by the Governor in Council, and mentioned in the instrument appointing him, at a rate proportionate to the population within such territorial limits—which salary shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, in like manner as the salaries of other judges.*

Not to practise the law.

(3.) *Such judge in insolvency shall not practise as a barrister, advocate, solicitor, attorney or proctor, in any Court of Law or Equity or otherwise.*

To take an oath of office.

(5.) *Every judge in insolvency, appointed in pursuance of this Act, shall, previous to assuming the duties of his office, take, before a judge of any Superior Court of original jurisdiction, the following oath :—*

The oath.

" I, A. B., do sincerely and solemnly swear that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and jurisdiction conferred upon me as a judge in insolvency. So help me God ! "

Duties and powers of Judge.

(6.) *It shall be the duty of the judge to exercise a supervision over the Guardians, Trustees and other persons appointed and acting under the provisions of this Act : and if any dereliction of duty on the part of any of them comes to his knowledge, or if he has reason to believe that any such dereliction of duty has occurred, he may summon such Guardian, Trustee or person before him, and may make such order in the premises, of his own mere motion, as he may deem expedient, and may enforce such order in the same manner and by the same means, and may exercise the same powers and jurisdiction in respect thereof, or disobedience thereto, as if such order had been made upon the petition of a creditor or other party interested.*

GENERAL PROVISIONS.

Insolvent Acts of 1864, 1869 and 1875 and Acts amending them, and Acts of B.C. and P.E.I. repealed; saving certain proceedings and matters.

134. "*The Insolvent Act of* 1864," and the Act to named the same passed by the Parliament of the late Province of Canada in the twenty-ninth year of Her Majesty's Reign, "*The Insolvent Act of* 1869," the Act amending the same passed in the thirty-third year of Her Majesty's reign, and the Act amending the same passed in the thirty-fourth year of Her Majesty's Reign, and the Act passed in the thirty-seventh year of Her Majesty's reign continuing the same, the Act passed by the legislature of Prince Edward Island in the thirty-first year of Her Majesty's reign, chaptered fifteen, intituled "*An Act for the relief of unfortunate debtors,*" and the several Acts amending and continuing the same which are in force in the said Province of Prince Edward Island, which are mentioned in and continued by the last-mentioned Act passed in the thirty-seventh year of Her Majesty's reign, the Act of the legislature of the Colony of Vancouver Island, passed in the year 1862, and intituled: "*An Act to declare the law relative to Bankruptcy and Insolvency in Vancouver Island and its dependencies,*" and the Act of the legislature of the Colony of British Columbia, passed in the year 1865, and intituled: "*An Ordinance to amend the law relative to Bankruptcy and Insolvency in British Columbia,*" and all Acts of the said legislatures, or either of them, amending the same, shall remain repealed in like manner and to the same extent and effect as they were repealed by *the Insolvent Act of* 1875 ; which said last mentioned Act and the Acts amending it are hereby repealed, except so far as regards proceedings commenced and now pending thereunder, and also as regards all contracts, bonds, acts, matters and things made and done before such repeal, to which the said Acts or any of the provisions thereof would have applied if not so repealed, and especially as to such things so done,as are contrary to the provisions of the said Acts having reference to *offences described in the said Acts, and* as to *the penalties and punishments for such offences therein provided for, and to* fraud and fraudulent preferences, and to the enregistration of marriage contracts within the Province of Quebec; and as to all such offences and their punishment, contracts, acts, matters and things, the provisions of the said Acts shall remain in force, and shall be acted upon as if this Act had never been passed, *and may be invoked and availed of as if committed under this Act. in all cases where the provisions of this Act are similar to those of the repealed Act under which such offences, acts, matters and things were com-*

Act of 1875.

Proviso, cases pending.

mitted and done : Provided always, that in cases in insolvency commenced and pending before the first day of April, 1879, the proportion of creditors who may grant a discharge to an insolvent either by a consent to a discharge or by a deed of composition and discharge, which is established by the Acts hereby repealed or any of them, shall *remain in force until the first day of July next, after which day the* provisions of this Act shall supersede those of the said Acts *as respects such cases. And as respects all cases in which the date of insolvency is on or after the said first day of April*, 1879, *the provisions of this Act shall apply in all respects, except as otherwise herein expressly provided.* Provided always, that all securities given under the said Acts shall remain valid, and may be enforced, in respect of all matters and things falling with their terms ; and especially all securities theretofore given by Official Assignees, *and Assignees*, shall serve and avail hereafter as if given under this Act. All other Acts and parts of Acts now in force in any of the Provinces to which this Act applies, which are inconsistent with the provisions of this Act, are hereby repealed.

Proviso, when the Act to come into force, and as to what cases and to what extent.

Proviso.

135. This Act shall be known and may be cited as "*The Insolvency Act of* 1879."

Short title.

FORM A.

INSOLVENCY ACT OF 1879.

To (*name residence and description of Insolvent.*)

You are hereby required, to wit, by A. B. a creditor for the sum of $ (*describe in a summary manner the nature of the debt,*) and by C. D. a creditor, &c., to make an assignment of your estate and effects under the abovementioned Act for the benefit of your creditors.

place *date.*

Signature of Creditor or Creditors.

FORM B.

INSOLVENCY ACT OF 1879.

CANADA,
Province of
District of

A. B.———, (*name, residence and description,*)

Plaintiff,

VS.

C. D,———, (*name, residence and description,*)

Defendant

I, A. B.———, (*name, residence and description*) being duly sworn, depose and say:—

1. I am the Plaintiff in this cause (*or* one of the Plaintiffs, *or* the clerk, *or* the agent of the Plaintiff in this cause duly authorized for the purposes thereof.)

2 The Defendant is indebted to me (*or* to the Plaintiff *or as the case may be*) in the sum of dollars currency for, (*state concisely and clearly the nature of the debt,*) for which debt I held (*or* the Plaintiff holds) no security within the meaning of the said Act (*or holds* security of the value of $.)

3. To the best of my knowledge and belief the Defendant is Insolvent within the meaning of the Insolvency Act of 1879, and has rendered himself liable to have his estate placed in liquidation under the said Act, and my reasons for so believing are as follows: (*state concisely the facts relied upon as rendering the debtor Insolvent and as subjecting his estate to be placed in liquidation.*

4. I do not act in this matter in collusion with the defendant, nor to procure him any undue advantage against his creditors.

And I have signed; (*or* I declare that I cannot sign.)

Sworn before me this day of 187 .

and if the deponent cannot sign, add —the foregoing affidavit having been first read over by me to the deponent.

FORM C.

INSOLVENCY ACT OF 1879.

CANADA, PROVINCE OF District of } VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith.

No.

To the *Guardian* in and for the County (*or* Judicial District *or* Electoral District *as the case may be*) of

GREETING

We command you at the instance of to attach the estate and effects, moneys and securities for money, vouchers, and all the office and business papers and documents of every kind and nature whatsoever, of and belonging to if the

same shall be found in (*name of district or other territorial jurisdiction*) and the same so attached, safely to hold, keep and detain in your charge and custody until the attachment thereof, which shall be so made under and by virtue of this writ shall be determined in due course of law.

We command you also to summon the said to be and appear before Us, in our Court for at in the County (*or* District) of on the day of to show cause, if any he hath, why his estate should not be placed in liquidation under the Insolvency Act of 1879, and further to do and receive what, in our said Court before Us, in this behalf shall be considered; and in what manner you shall have executed this Writ, then and there certify unto Us with your doings thereon, and every of them, and have you then and there also this Writ.

In Witness Whereof, We have caused the Seal of our said Court to be hereunto affixed, at aforesaid , this day of in the year of Our Lord, one thousand eight hundred and in the year of our Reign.

FORM D.

Insolvency Act of 1879.

A. B.,
Plaintiff.

C. D.,
Defendant.

A writ of attachment has issued in this cause.
Place date.)

(*Signature,*)
Guardian.

FORM E.

Insolvency Act of 1879.

This assignment made between of the first part, and of the second part, witnesses,

(*or*)

On this day of before the undersigned notaries came and appeared of the first part, and of the second part, which said parties declared to us notaries:—

That under the provisions of "The Insolvency Act of 1879" the said party of the first part, being insolvent, has assigned and hereby does assign to the said party of the second part, accepting thereof as Trustee under the said Act, and for the purposes therein provided, all his estate and effects, real and personal, of every nature and kind whatsoever.

To have and to hold to the party of the second part as Trustee for the purposes and under the Act aforesaid.

In witness, whereof, &c.

(*or*)

Done and passed, &c.

FORM F.

Insolvency Act of 1879.

In the matter of A. B., an Insolvent.

Schedule of Creditors.

1. Direct Liabilities.

Name.	Residence.	Nature of Debt.	Amount.	Total.

2. Indirect Liabilities, maturing before the day fixed for the first meeting of creditors.

Name.	Residence.	Nature of Debt.	Amount.

3. Indirect Liabilities, maturing after the day fixed for the first meeting of creditors.

Name.	Residence.	Nature of Debt.	Amount.

4. Negotiable paper, the holders of which are unknown.

Date.	Name of Maker.	Names liable to Insolvent.	When due.	Amount.

FORM G.

INSOLVENCY ACT OF 1879.

In the matter of an Insolvent.

The insolvent has made an assignment of his estate to me, (*or*, a writ of attachment has been issued in this cause,) and the creditors are notified to meet at in on the day of at o'clock to receive statements of his affairs, and to appoint an Assignee (*Date and residence of Guardian.*)

(*Signature.*)
Guardian.

(*The following is to be added to the notices sent by post.*)

The creditors holding direct claims and indirect claims for one hundred dollars each and upwards, are as follows: (*names of creditors and amount due*) and the aggregate of claims under one hundred dollars is $

(*Date.*)

(*Signature.*)

FORM H.

INSOLVENCY ACT OF 1879.

In the matter of A. B., an insolvent.

This deed of release (*or* transfer) made under the provisions of the said Act between (C.D.,) Guardian in possession of the estate of the said insolvent, of the first part; and (E.F.,) of the second part, witnesseth:

That whereas by a resolution of the creditors of the insolvent, duly passed at a meeting thereof duly called and held at , on the day of , the said party of the second part was duly appointed Trustee to the estate of the said insolvent: Now therefore these presents witness that the said party of the first part, in his said capacity, hereby releases to the said party of the second part the estate and effects of the said insolvent, in conformity with the provisions of the said Act; and for the purposes therein provided.

In witness whereof, &c.

(*This form may be adapted in the Province of Quebec to the notarial form of execution of documents prevailing there.*)

FORM I.

INSOLVENCY ACT OF 1879.

In the matter of

[A. B. *or* A. B. & Co.,]
an Insolvent.

I, the undersigned [*name and residence*], have been appointed Trustee in this matter.

(*Place* *date*,)

(*Signature*)
Trustee.

FORM J.

INSOLVENCY ACT OF 1879.

CANADA,	In the (*name of Court*)
PROVINCE OF	In the matter of A. B. (*or*
District (*or* County) of	A. B. & Co.,) an Insolvent.

The undersigned has filed in the office of this Court, a consent by his creditors to his discharge and on the day of next, he will apply to the said Court (*or* to the Judge of the said Court, *as the case may be*) for a confirmation of the discharge thereby effected.

(*Place*, *date*.)

(*Signature of Insolvent, or of his Attorney ad litem.*)

FORM K.

INSOLVENCY ACT OF 1879.

In the matter of A. B.,

an Insolvent

I, A. B., of an Insolvent, now making application to the for a confirmation of my discharge being duly sworn, depose and say:

That no one of my creditors who has signed the said discharge has been induced so to do by any payment, promise of payment, or advantage whatsoever, made, secured, or promised to him by me or, with my knowledge, by any person on my behalf.

And I have signed.

Sworn before me at
this day of

FORM L.

INSOLVENCY ACT OF 1879.

In the matter of A. B.,
an Insolvent.

In consideration of the sum of $ whereof quit; C. D., Assignee of the Insolvent, in that capacity hereby sells and assigns to E. F. accepting thereof, all claim by the Insolvent against G. H. of (*describing the Debtor*) with the evidences of debt and securities thereto appertaining, but without any warranty of any kind or nature whatsoever.

C. D. Trustee.
E. F.

FORM M.

This deed, made under the provisions of the Insolvency Act of 1879 the day of &c., between A. B of &c., in his capacity of Trustee of the estate and effects of an Insolvent, under a deed of assignment executed on the day of at in and of a release made and executed on the , day of , in (*or* under an order of the Judge made at on the day of) of the one part, and C. D., of &c., of the other part, witnesseth: That he, the said A. B., in his said capacity, hath caused the sale of the real estate hereinafter mentioned, to be advertised as required by law, and hath adjudged (*or* and hath offered for sale pursuant to such advertisement, but the bidding therefor being insufficient did withdraw the same from such sale, and hath since by authority of the agreed to sell) and doth hereby grant, bargain, *and* sell, unto the said C. D., his heirs and assigns for ever, all (*in Ontario, Nova Scotia and New Brunswick, Manitoba and British Columbia, and Prince Edward Island, insert* "the rights and interests of the insolvent in") that certain lot of land, &c., (*insert here a description of the property sold*): To have and to hold the same, with the appurtenances thereof, unto the said C. D., his heirs and assigns for ever. The said sale is so made for and in consideration of the sum of $ in hand paid by the said C. D. to the said A. B., the receipt whereof is hereby acknowledged (*or* of which the said C. D. hath paid to the said A. B, the sum of the receipt whereof is hereby acknowledged and the balance, or sum of $ the said C. D. hereby promises to pay to the said A. B., in his said capacity, as follows, to wit—(*here state the terms of payment*)—the whole with interest payable and as security for the payments so to be made, the said C. D. hereby specially mortgages and hypothecates

to and in favor of the said A. B., in his said capacity, the lot of land and premises hereby sold),

In witness, &c.

A. B [L. S.]
C. D. [L. S.]

Signed, sealed, and delivered
in the presence of

E. F.

(*This form may be adapted in the Province of Quebec to the notarial form of execution of documents prevailing there.*)

FORM N.

INSOLVENCY ACT OF 1879.

In the matter of

A. B. (*or* A. B. & Co.,)
an Insolvent.

A dividend sheet has been prepared, open to objection, until the day of , after which dividends will be paid.

(*Place.*) (*Date.*)

Signature of Trustee

FORM O.

INSOLVENCY ACT OF 1879.

In the matter of
A. B.,
an Insolvent, and
C. D.
Claimant.

I, C. D., of , being duly sworn in depose and say:

1. I am the claimant (*or*, the duly authorized agent of the claimant in this behalf, and have a personal knowledge of the matter hereinafter deposed to, *or* a member of the firm of claimants in the matter, and the said firm is composed of myself and of E. F.)

2. The Insolvent is indebted to me (*or* to the claimant) in the sum of dollars, for (*here state the nature and particulars of the claim, for which purpose reference may also be made to accounts or documents annexed.*)

3. I (*or* the claimant) hold no security for the claim, (*or* I *or* the claimant hold the following, and no other, security for the claim namely: *state the particulars of the security.*)

To the best of my knowledge and belief, the security is of the value of dollars.

Sworn before me at this day of } And I have signed. *Signature.*

FORM P.

Insolvency Act of 1879 : *In the (name of the Court.)*
In the matter of *A. B.,*
an Insolvent.

Notice is hereby given that the undersigned creditor of the Insolvent has required him to file in the office of this Court the consent of his creditors, under which he claims to be discharged ; and that on the day of at ten of the clock in the forenoon, or as soon thereafter as counsel can be heard, the undersigned will apply to the said Court (or to a judge of the said Court) for the annulling of such discharge.

(Place.) *(Date.)*

(Signature of Creditor, or of his Attorney ad litem.)

FORM Q.

INSOLVENCY ACT OF 1879.

In the matter of

This instrument witnesses that whereas has proved a claim upon the estate of the Insolvent for the sum of and has therein declared that he holds security therefor, consisting of a mortgage upon that certain lot of land and premises known and described as (*describe the property as required in a deed of sale* ; and has therein valued his said security as required by law at the sum of $

And whereas,
Trustee of the Estate, with the authority of the Creditors (*or* Inspectors) a certified copy whereof is hereto annexed, has consented to the retention by the Creditor of the said property, at the said specified value ; now, therefore, the said Trustee, acting under the said authority, hath assigned, released, and quit claimed, and by these presents doth assign, release, and quit claim unto the said the said lot of land and premises, (*or* the interest of the said Insolvent in the said, &c.) to have and to hold the same to him, his heirs, representatives and assigns as his and their own property forever. He, the said claimant, hereby assuming and binding himself to pay all previous mortgages, hypothecs and liens thereon.

(*If subsequent mortgages, &c., exist, the appropriate conditions respecting them should be here inserted.*)

And,in consideration of the present release and assignment, the said claimant hereby reduces his claim upon the estate of the Insolvent to the sum of
being the balance of his said claim after deduction of the said valuation In witness whereof, &c., &c.

SCHEDULE A.

TARIFF OF FEES TO BE PAID TO GUARDIANS.

For the service of any writ of attachment and for the attachment made thereunder and all duties connected therewith	$5 00
For mileage in any travel required to make such service, the rate of mileage allowed to a Bailiff or Sheriff's officer in serving ordinary writs of summons, according to the practice in the jurisdiction within which the service is made	
For attendance accepting deed of assignment	2 50
During his continuance in office *not to exceed twenty-one days (unless the appointment of a Trustee is protracted beyond that period by legal proceedings)*, per day, employing no sub-guardian	1 00
If a sub-guardian is employed	0 50
If it is necessary for the safe keeping of the assets, books, or effects of the estate that they should be placed in the custody of a sub-guardian, to such sub-guardian, for each day and each night of *actual guardianship*	1 00
For printing and mailing statement and notice of meeting to each creditor, including postage	05
The nett cost of advertising assignment or issue of writ	

Fee covering other services of every kind required in the performance of his duties $\frac{1}{10}$ of 1 per cent. on the realized proceeds of all unincumbered assets, to be reserved for, and paid to him by the Trustee.

The fees of the Notary for the deed of assignment to be charged to the Assignee and settled by him.

The costs of the attachment to be paid by the Trustee.

No. 85.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL

An Act to repeal the Insolvent Act of 1875, and the Acts amending it, and to make provision for the liquidation of the estates of Insolvents.

Received and read, first time, Tuesday, 22nd April, 1879.

Second reading, Wednesday, 23rd April, 1879.

Mr. McDonald,
(Pictou.)

OTTAWA:

Printed by MacLean, Roger & Co.,

1879.

No. 86.] **BILL.** [1879.

An Act to amend an Act further securing the Independence of Parliament.

WHEREAS it is expedient to amend an Act passed in the forty-first year of Her Majesty's reign, intituled "*An Act further securing the Independence of Parliament*:" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 41 V. c. 5.

1. Section one of the Act hereinbefore cited is hereby amended by inserting after the word "Canada," in the ninth line of the said section, the following as paragraph (*c*):— Section 1, amended.

(*c.*) No person accepting or holding any office or employment, permanent or temporary, in the service of the Government of any of the Provinces of the Dominion to which an annual salary, or any fee, allowance or emolument or profit of any kind or amount whatever is attached, New paragraph.

No. 86.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend an Act further securing the Independence of Parliament.

Received and read, first time, Wednesday, 23rd April, 1879.

Second reading, Thursday, 24th April, 1879.

Mr. RYKERT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

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WEIGHTS AND MEASURES ACT OF 1879.

ARRANGEMENT OF SECTIONS.

Section. PRELIMINARY.

1. Short title.
2. Commencement of Act.

I.—The Law of Weights and Measures.

Uniformity of Weights and Measures.

3. Uniformity of weights and measures.

Standards of Measures and Weights.

4. Dominion standards of measures and weights.
5. Parliamentry copies of Dominion standards.
6. Restoration of Dominion standards.
7. Restoration of Parliamentary standards.
8. Departmental standards of measures and weights.
9. Local standards of measures and weights.

Dominion Measures of Length.

10. Dominion standard yard.
11. Lineal measures derived from the Dominion standard yard.
12. Superficial measures derived from the Dominion standard yard.
13. Proviso as to the local use of the French or Paris foot in Quebec.

Dominion Measures of Weight and Capacity.

14. The Dominion standard pound.
15. Dominion weights derived from the standard pound.
16. Dominion measures of capacity.
17. Equivalents by weights of certain articles to the Dominion bushel.
18. Measures of capacity when used to be stricken or filled up.

Metric Equivalents of Dominion Weights and Measures.

19. Equivalents of metric weights and measures in terms of Dominion weights and measures.

Use of Dominion Weights and Measures.

20. Trade contracts, sales, dealings, &c., to be in terms of Dominion weights and measures.

Section
21. Sale by avoirdupois weight, with exceptions as to troy weight.
22. Exception for contracts in metric weights and measures.
23. Exception for sale of articles in vessels not represented as being of Dominion measure.

Unjust Weights and Measures.

24. Penalty on use or possession of unjust measures weights, balances or weighing-machines.
25. Penalty for fraud in use of unjust measures, weights, measures, balances, &c.
26. Penalty on sale of false measures, weights, balances, &c.

Stamping and Verification of Weights and Measures.

27. Stamping of weights and measures with denominations.
28. Penalty on using or having in possession unstamped weights or measures, with exceptions.
29. Lead or pewter weights.
30. Forgery, &c., of stamps on weights and measures. Penalty.

II.—ADMINISTRATION.

Central.

31. Custody of Dominion standards and apparatus.
32. Custody of Parliamentary copies of Dominion standards and their periodical verification.
33. Periodical verification of Departmental standards.
34. Department of Inland Revenue empowered to verify metric weights and measures.
35. Duties of the Department of Inland Revenue in relation to this Act.

Local.

36. Appointment of Inspectors and assistants.
37. Officers of Inland Revenue may be appointed to Act as Inspectors of Weights and Measures, &c., Inspectors to be furnished with authentic standards, &c.
38. Inspectors not to be dealers in weights or measures
39. Duties of Inspectors.
40. Inspectors to attend at appointed places to inspect, &c.
41. Power of Inspectors to enter premises.
42. Inspector to keep books and accounts.
43. Periodical verification of weights and measures used for trade.
44. Penalty for refusing to produce weights and measures.

Section
45. Weights, measures, &c., not liable to be restamped in certain cases.
46. Penalty on Inspectors for stamping measures, weights, &c., without having compared them.
47. Penalty on Inspector for stamping measures, weights, &c., outside his own Division.

III.—Miscellaneous.

48. Powers of the Governor in Council.
49. Tariff of fees.
50. Payment of fees.
51. Adhesive stamps.
52. Accounts to be kept.

IV.—Legal Proceedings.

53. Recovery of fines and penalties.
54. Action must be commenced within three months.

V.—Repeal of Previous Acts.

55. Acts repealed. Proviso. Act saved.

No. 87. **BILL.** [1879.

An Act to amend and consolidate the laws relating to Weights and Measures.

NOTE.—*This Bill proposes no new charge upon the public; the new penalties, which are very few, are in Italics.*

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

Preliminary.

1. This Act may be cited as the "*Weights and Measures Act of* 1879." Short title.

2. This Act shall not come into operation until the first day of November, one thousand eight hundred and seventy-nine, which day is hereinafter referred to as the commencement of this Act. Commencement of Act.

I. THE LAW OF WEIGHTS AND MEASURES.

Uniformity of Weights and Measures.

3. Except as herein otherwise provided the same weights and measures shall be used throughout the Dominion of Canada. The same throughout Canada.

Standards of Measure and Weight.

4. The bronze bar and the platinum weights more particularly described in the first part of the first schedule to this Act, and at the passing of this Act deposited in the Department of Inland Revenue in the custody of the Minister of Inland Revenue, as provided in the Act passed in the the thirty-sixth year of Her Majesty's reign, entitled "*An Act respecting Weights and Measures*," shall continue to be the Dominion standards of measure and weight. The said bronze bar shall continue to be the Dominion standard for determining the standard yard for the Dominion of Canada; and the said platinum weights shall respectively continue to be the Dominion standards for determining the standard pound and the standard Troy ounce for the Dominion of Canada. Standards prepared under 36 Vic., c. 47, to be the Dominion standards.

5. The two copies of the standards of measure and weight, described in the second part of the first schedule to this Act and deposited as therein mentioned, shall be deemed to be Parliamentary copies of the said Dominion standards. Parliamentary copies.

Renewal of Dominion standards in case of loss.

6. If at any time either of the Dominion standards of measure and weight is lost, or in any manner destroyed, defaced or otherwise injured, the Department of Inland Revenue may cause the same to be restored by reference to or adoption of any of the Parliamentary copies of that standard, or of such of them as may remain available for that purpose.

Renewal or Parliamentary standards.

7. If at any time any of the Parliamentary copies of either of the Dominion standards is lost, or in any manner destroyed, defaced or otherwise injured, the Department of Inland Revenue may cause the same to be restored by reference either to the corresponding Dominion standard, or to one of the other Parliamentary copies of that standard.

Secondary or Departmental standards.

8. The Departmental standards of measure and weight which, having been derived from the Dominion standards, are at the commencement of this Act in use under the direction of the Department of Inland Revenue, and are mentioned in the second schedule to this Act, and no others (save as hereinafter mentioned), shall be secondary standards of measure and weight, and shall be called Departmental standards.

Renewal in case of loss.

If at any time any of such standards is lost, or in any manner destroyed, defaced or otherwise injured, the Department of Inland Revenue may cause the same to be restored by reference either to one of the Dominion standards or to one of the Parliamentary copies of those standards.

Standards of new denominations.

The Department of Inland Revenue shall from time to time cause such new denominations of standards, being either equivalent to or multiples or aliquot parts of the Dominion weights and measures ascertained by this Act, as may be required in addition to those mentioned in the second schedule to this Act to be made and duly verified, and such new denominations of standards, when approved by the Governor in Council, shall be Departmental standards in like manner as if they were mentioned in the said schedule.

Cancellation of a Departmental standard.

It shall be lawful for the Governor in Council, to declare that a Departmental standard for the time being of any denomination, whether mentioned in the said schedule, or approved by Order in Council, shall cease to be such a standard.

Local standards.

9. The standards of measure and weight which are, at the commencement of this Act, legally in use by inspectors or deputy inspectors of weights and measures, for the purpose of verification or inspection, and all copies of the Departmental standards which, after the commencement of this Act, are compared with those standards and verified by the Department of Inland Revenue, for the purpose of being used by inspectors of weights and measures under this Act, as standards for the verification or inspection of weights and measures, shall be called local standards.

Dominion Measures of Length.

Standard yard defined.

10. The straight line or distance between the centres of the two gold plugs or pins (as mentioned in the first schedule to this Act) in the bronze bar by this Act declared to be the Dominion standard for determining the Dominion standard yard, measured when the bar is at a temperature of sixty-one and degrees ninety-one hundredths of Fahrenheit's thermometer, and when it is supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar and to facilitate its free expansion and contraction from variating temperature, shall be the legal standard measure of length and shall be called the Dominion standard yard, and shall be the only unit or standard measure of extension from which all other measures of extension, whether linear, superficial or solid, shall be ascertained.

Standard foot, inch, rod, link, furlong and mile.

11. One-third part of the Dominion Standard yard shall be a foot, and the twelfth part of such foot shall be an inch, and the rod, pole or perch in length, shall contain five such yards and a half, and the chain shall contain twenty-two such yards, and the link shall be the one hundredth part of the chain, the furlong shall contain two hundred and twenty such yards, and the mile, one thousand seven hundred and sixty such yards.

Standard rood and acre.

12. The rood of land shall contain one thousand two hundred and ten square yards, according to the Dominion standard yard, and the acre of land shall contain one hundred thousand square links, being four thousand eight hundred and forty such square yards, or one hundred and sixty square rods, poles, or perches.

Proviso as to seignorial lands in the Province of Quebec.

13. Provided, that in the Province of Quebec the measures of length and superficies for all lands comprised in those parts of the Province originally granted under the Seigniorial tenure, shall be French measures, the ratio and proportion of which shall be to the Dominion standard measures 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 ;

Arpent.

Perch.

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 as a measure of superficies, three hundred and twenty-four square French feet ;

French measure to be used only for such lands.

3. Provided, that the provisions of this section shall apply only to territorial measurement ; and the French measures "Toise" and "Ell" (*Aune*), shall not be used hereafter as standard measures, but the standard yard, as described in the tenth section of this Act, shall be used instead thereof.

Dominion Measures of Weight and Capacity.

Standard pound.

14. The Imperial pound, as established by the Act passed by the Parliament of Great Britain and Ireland, in the forty-first and forty-second year of Her Majesty's reign, entitled; "*The Weights and Measures Act of* 1878," as represented by the platinum iridium weight mentioned in the first schedule to this Act, and hereby declared to be the Dominion standard for determining the Dominion standard pound, shall be the legal standard measure of weights and of measure, having reference to weight, and shall be called the Dominion standard pound, and shall be the only unit or standard measure of weight from which all other weight, and all measures having reference to weight, shall be ascertained.

Standard ounce, dram and grain.

15. One-sixteenth part of the Dominion standard pound shall be an ounce, and one-sixteenth part of such ounce shall be a dram, and one seven-thousandth part of the Dominion standard pound shall be a grain.

Cental or cwt. and ton.

One hundred standard pounds shall be a cental or hundred weight, and twenty centals or two thousand pounds, shall be a ton.

Troy ounce.

Four hundred and eighty grains shall be an ounce Troy.

All other weights avoirdupois.

All the foregoing weights, except the ounce Troy, shall be deemed to be Avoirdupois weights.

Standard gallon.

16. The unit or standard measure of capacity, from which all other measures of capacity, as well for liquids as for dry goods shall be derived shall be the gallon containing ten Dominion standard pounds weight of distilled water weighed in air against brass weights with the water and the air at the temperature of sixty-two degrees of Fahrenheit's thermometer, and with the barometer at thirty inches.

Quart and pint.

The quart shall be one-fourth part of the gallon, and the pint shall be one-eighth part of the gallon

Peck and barrel.

Two gallons shall be a peck; eight gallons shall be a bushel, and twenty-five gallons shall be a barrel.

Bushel of certain articles determined by weight.

17. In contracts for the sale and delivery of any of the undermentioned articles, the bushel shall be determined by weighing, unless a bushel by measure be specially agreed upon—the weight equivalent to a bushel being as follows:—

Wheat, sixty pounds.
Indian corn, fifty-six pounds.
Rye, fifty-six pounds.
Peas, sixty pounds.
Barley, forty-eight pounds.
Oats, thirty-four pounds.
Beans, sixty pounds.
Clover seed, sixty pounds.
Timothy seed, forty-eight pounds.
Buckwheat, forty-eight pounds.
Flax seed, fifty pounds.
Hemp seed, forty-four pounds.
Blue grass seed, fourteen pounds
Castor beans, forty pounds.

Potatoes, turnips, carrots, parsnips, beets and onions, sixty pounds.

18. In using a Dominion measure of capacity the same shall not be heaped, but either shall be stricken with a round stick or roller straight and of the same diameter from end to end, or if the article sold cannot from its size or shape be conveniently stricken, shall be filled in all parts as nearly to the level of the brim as the size and shape of the article will admit. Heaped measure forbidden.

Metric equivalents of Dominion Weights and Measures.

19. The table in the third schedule to this Act shall be deemed to set forth the equivalents of Dominion Weights and Measures of the Weights and Measures therein expressed in terms of the metric system and such table may be lawfully used for computing and expressing in weights and measures, weights and measures of the metric system Table 3 in schedule of equivalents in metric system.

Use of Dominion Weights and Measures.

20. Every contract, bargain, sale or dealing made or had in the Dominion of Canada for any work, goods, wares or merchandize, or other thing which has been or is to be done, sold, delivered, carried or agreed for by weight or measure, shall be deemed to be made and had according to one of the Dominion weights or measures ascertained by this Act, or to some multiple or part thereof, and if not so made or had shall be void, except only when made according to the metric system ; and all tolls and duties charged or collected according to weight or measure, shall be charged and collected according to one of the Dominion weights or measures ascertained by this Act, or to some multiple or part thereof. Contracts to be by standard weights and measures, all others void.

Such contract, bargain, sale,dealing and collection of tolls and duties, as is in this section mentioned, is in this Act referred to under the term "trade," "Trade," what to be deemed.

No local or customary measures, nor the use of heaped measures, shall be lawful. Local and customary unlawful.

Any person who sells by any denomination of weight or measure other than one of the Dominion weights or measures, or some multiple or part thereof, and any public weigher or measurer, who uses any weight or measure, or who uses, in any certificate as to the weight or measure of any article weighed or measured by him, any other than one of the Dominion weights or measures, or some multiple or part thereof, shall be liable to a fine not exceeding twenty dollars for every such sale, weighing or certificate. Penalty for using other than standard weights and measures.

21. All articles sold by weight shall be sold by avoirdupois weight, except that :— Weight to be avoirdupois.

Gold and silver, platinum and precious stones, and articles made thereof, may be sold by the ounce troy or by any decimal part of such ounce, and all contracts, bargains, sales and dealings in relation thereto shall be deemed to be made and had by such weight, and when so made or had shall be valid :— Exceptions : certain articles to be sold by troy weight.

Penalty.

And every person who acts in contravention of this section shall be liable to a penalty not exceeding *twenty-five dollars* for each offence.

Proviso as to metric weights or measures, or decimal divisions of Dominion ones.

22. Provided always,that a contract or agreement shall not be invalid or open to objection on the ground that the weights or measures expressed or referred to therein are weights or measures of the metric system, or on the ground that decimal subdivisions of Dominion weights and measures, whether metric or otherwise, are used in such contract or dealing.

As to sales of articles in vessels.

23. Nothing in this Act shall prevent the sale, or subject a person to a penalty under this Act for the sale of an article in any vessel, such vessel being included in the sale, when such vessel is not represented as containing any amount of Dominion measures, nor subject a person to a penalty under this Act for the possession of a vessel when it is shewn that such vessel is not used nor intended for use as a measure.

Unjust Weights, Measures and Weighing Machines.

Penalty for having false or unjust weights, scales or measures.

24. Every person who uses or has in his possession for use in trade any weight, measure, scale, balance, steelyard or weighing machine, which is false or unjust, shall be liable to a fine not exceeding *twenty-five dollars*, or, in the case of a second offence, *fifty dollars;* and any contract, bargain, sale or dealing made by the same shall be void, and the weight,measure, scale,balance, steelyard or weighing machine shall be liable to be forfeited.

Penalty for fraud in the uses of false weights, &c.,

25. When any fraud is wilfully committed in the using of any weight, measure, scale, balance, steelyard or weighing machine, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding *twenty-five dollars*, or, in the case of a second offence, *fifty dollars*, and the weight, measure, scale, balance, steelyard or weighing-machine shall be forfeited.

Or for making or selling the same.

26. Every person who wilfully makes, or sells, or causes to be made or sold, any false or unjust weight, measure, scale, balance, steelyard or weighing-machine, shall be liable to a penalty not exceeding *fifty dollars*, or, in the case of a second offence, *one hundred dollars* for each offence.

Stamping and Verification of Weights and Measures.

Lawful weights, measures, scales and weighing contrivances to be stamped.

27. Every weight, except when the small size of the weight renders it impracticable, shall have the denomination of such weight stamped or engraved on the top or side thereof in legible figures and letters. Every measure of capacity shall have the denomination thereof stamped or engraved on the outside of such measure in legible figures and letters. Every beam, steelyard or other weighing-machine shall have marked upon some essential part of it the maximum weight which it is constructed to weigh, and also on the weights or poises used with it their actual weight when truly adjusted, in parts or multiples of the Avoirdupois pound. A weight or

measure not in conformity with this section shall not be stamped with such stamp of verification under this Act, as is herein mentioned.

Penalty for using unstamped weights or measures or weighing machines in business.

28. Every trader, manufacturer, carrier, public weigher, gauger, measurer, surveyor, or other person, who uses, for any purpose of buying, selling, or charging for the carriage of any goods, wares, merchandize or thing, or of measuring any land, goods, materials or other thing, for the purpose of charging for or ascertaining the price to be paid, or the charge to be made therefor, any weight or measure, or weighing-machine which has not been duly inspected and stamped according to this Act, shall be guilty of an offence against this Act, and shall, on conviction, incur a penalty of not more than *fifty* nor less than *five* dollars for each such offence; and every such unstamped weight, weighing-machine or measure so used, found in his possession, shall, on being discovered by the Deputy Inspector, shall be forfeited and forthwith seized and broken by him, without suit or other authority than this Act.

Forfeiture, &c.

Exception as to makers or dealers in weights, measures, &c.

2. Except that the manufacturer of or dealer in weights, measures or weighing-machines, who has in his possession for sale, any weight, measure or weighing-machine, shall not be bound to have the same inspected and stamped according to this Act, so long as the same remain in his manufactory or warehouse, but no such weight, measure or weighing machine shall be removed from his premises, sold or taken into use for trade without having been inspected and stamped.

Penalty on trader having unlawful weights, &c., in possession.

3. Any trader not being a manufacturer of or dealer in weights, measures or weighing-machines, having in his possession any unstamped weights, measures or weighing-machines, shall be liable to a penalty of twenty-five dollars for the first offence, and for each subsequent offence to a penalty of *fifty dollars*, and the Inspector or his assistant shall forthwith seize such weights, measures or weighing-machines, and forfeit them.

As to weights of lead or pewter.

29. A weight made of lead or pewter, or of any mixture thereof, shall not be stamped with a stamp of verification, or used for trade, unless it be wholly and substantially cased with brass, iron or copper, and legibly stamped or marked "*cased*."

Proviso as to plugs.

But nothing in this section shall prevent the insertion into a weight of such a plug of lead or pewter as is *bonâ fide* necessary for the purpose of adjusting it, and of affixing thereto the stamp of verification.

Penalty for contravention.

A person guilty of any offence against, or disobedience to the provisions of, this section, shall be liable to a penalty not exceeding *twenty-five* dollars, or in case of a second offence, fifty dollars. 40 V. c. 15, s. 3.

Penalty for forging or counterfeiting stamps used under this Act.

30. If any person forges or counterfeits any stamp used for the stamping, under this Act, of any measure, weight, balance or weighing-machine, or used before the commence-

ment of this Act for the stamping of any measure, weight, balance or weighing-machine under any enactment repealed by this Act, or wilfully increases or diminishes any weight or measure so stamped, or in any way alters or tampers with any balance or weighing-machine so as to cause it to weigh unjustly, which has been so stamped, he shall be liable to a penalty of forty dollars for the first offence, and for each subsequent offence he shall incur a penalty of one hundred dollars and two months imprisonment.

Or for knowingly using such.

Any person who knowingly uses, sells, utters, disposes of, or exposes for sale, any measure, weight, balance or weighing-machine, with such forged or conterfeit stamp thereon or any weight, measure, balance or weighing-machine so increased, diminished, falsified or tampered with, shall be liable to a penalty for the first offence not exceeding fifty dollars, and for each subsequent offence one hundred dollars.

II.—ADMINISTRATION.

Central.

Inland Revenue Department to have custody of standards, &c.

31. The Department of Inland Revenue shall have the custody of the Dominion standards of measures and weight, and of the Departmental standards, and of all balances, apparatus, books, documents and things used in connection therewith or relating thereto.

Deposit of Parliamentary standards.

32. The Parliamentary copies of the Dominion standards of measure and weight, mentioned in part two of the First Schedule to this Act, shall continue to be deposited as therein mentioned.

Periodical comparison of such standards.

The Department of Inland Revenue shall cause the Parliamentary copies of the Dominion standards of measure and weight to be compared once in every five years, and once in every ten years with Dominion standards of measure and weight.

And of Departmental standards.

33. Once, at least, in every five years the Department of Inland Revenue shall cause the Departmental standards, for the time being, to be compared with the Parliamentary copies of the Dominion standards of measure and weight made and approved in pursuance of this Act, and with each other, and to be adjusted or renewed if requisite.

Record of verification.

A record shall be kept by the Department of Inland Revenue of all standards verified or re-verified, showing full particulars of the results of such verification or re-verification.

Copies of metric standards and their use for lawful purposes other than trade.

34. The copies of the metric standards mentioned in the *fourth* schedule to this Act having been obtained and deposited in the custody of the Department of Inland Revenue, the said Department may cause to be compared with the said standards and verified, all metric weights and measures which are submitted to them for the purpose, and which are of such shape and construction as may be from time to time directed by any Order in Council in that behalf,

and which the Minister of Inland Revenue is satisfied are intended to be used for the purpose of science or of manufacture, or for any lawful purpose within the meaning of this Act.

Comparisons, verifications, &c., how made.

35. All comparisons, verifications and other operations with reference to standards of length, weight and capacity, shall be conducted under the supervision of the Commisoioner of Inland Revenue, and generally he shall have such powers and duties in relation thereto as may be assigned to him by Order in Council. It shall also be the duty of the Commissioner of Inland Revenue to conduct all such comparisons, verifications and other operations with reference to standards of measure and weight in aid of scientific researches, or otherwise, as the Minister of Inland Revenue may deem expedient, 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 Parliamentf or the purposes of this Act, as may be directed by the Governor in Council.

Duty of Commissioner of Inland Revenue with respect to them, and as to standards generally.

Compensation for such service.

Local.

Inspectors, appointment and duties of, and of Assistants.

36. The Governor may, from time to time, appoint one or more Inspectors of weights and measures for each Province, and such number of assistants to each inspector as may from time to time be found necessary, and may from time to time assign them Inspection Divisions and their powers and duties shall be as defined by this Act, by the regulations made under it, and by instructions from the Minister of Inland Revenue, and may assign to each Inspector or assistant so appointed 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 assistant such further sum as will suffice to meet his actual expenses in the performance of his official duties.

Remuneration.

District Inspectors.

37. The Governor may, in his discretion, appoint any officer of the Inland Revenue Department to the office of District Inspector under this Act, and such officer shall 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.

Oath of office

2. Each Inspector or assistant 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, for their delivery over to his successor in case of his resignation or removal from office, and for duly accounting for all monies collected by him.

To be provided with Local standards.

3. Each Inspector shall be furnished by the Minister of Inland Revenue with one or more sets of standards, to be called "The Local Standards," carefully verified and authenticated by comparison with the Departmental standards in the custody of the Department of Inland Revenue, and with such apparatus as may be requisite to enable him to perform his duties under this Act.

Officers not to be makers or sellers of weights or measures, &c.

38. No officer appointed under this Act shall be a maker or seller of weights, measures or weighing-machines, but by special departmental instructions in that behalf, he may be allowed to adjust, or alter, or cause to be adjusted or altered, any weight verified by him or submitted to him for verification, collecting such compensation for the value of such adjustment or alteration as may be authorized by Order in Council.

Sole use of standards by Inspectors.

2. The "Standards" and other apparatus shall be used by the Inspector, or assistant into whose custody they are given solely for the purpose of comparing and verifying weights, measures, balances and weighing-machines used for purposes of trade.

Duties of Inspectors and Assistants.

39. The Inspector, or his assistant shall perform such duties incident to the verification of weights and measures, and of beams, scales, steelyards 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.

Examination and marking of weights, &c.

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.

Times and places of inspection and verification.

40. Each Inspector, or his assistant shall, upon such day or days and at such place or places within his district as he may, from time to time, appoint 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 other weighing-machines.

Stamping, &c, when sound correct.

Powers of Inspectors to enter shops, &c.

41. The Inspector, or his assistant may, at all reasonable times, without notice, 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, steelyards or other weighing-machines, and compare and try the same with the Local 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 subject to regulations made by Orders in Council in that behalf 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.

Without previous notice.

To inspect when called on if not otherwise engaged on duty.

42. The Inspector shall keep a book in which he shall enter minutes of all verifications made by him, or his assistant, and at the time of every inspection he or his assistant shall deliver to the owner of any weights or measures, or weighing machines verified, or to the person procuring the verification, a certificate under his hand, setting forth the fact and date of such verification, and enumerating the weights, measures or weighing-machines inspected.

To keep a record of inspections, &c.

43. Within two months after the expiration of one year from the first verification and stamping, and within a period of one year after each subsequent verification, every weight, measure and weighing-machine shall be again inspected and verified, and a new certificate of such inspection and verification obtained from the proper Inspector; and the production of the certificate shall be *primâ facie* evidence of the verification, or stamping, or re-verification having taken place within the period prescribed by law.

Re-inspection at certain periods.

44. Any person, not being a manufacturer or dealer in weights, measures and weighing-machines, who refuses to produce for inspection when required to do so by any Inspector or Inspector's assistant appointed under this Act, all weights, measures and weighing-machines in his possession, and used for any purpose of trade, or—

Penalty for refusing to produce weights, &c., for inspection.

2. Any manufacturer of or dealer in weights, measures or weighing-machines, who refuses to permit the inspection, when required in the manner herein provided, of any weights, measures or weighing-machines about to be removed from his premises to be used for purposes of trade, or who permits any such weights, measures or weighing-machine to be so removed without having been first inspected and stamped as herein required,

Or refusing to permit inspection.

Shall, on conviction, forfeit and pay a sum not exceeding twenty dollars for the first, and forty dollars for the second or any subsequent offence.

The penalty.

45. No weight or measure or weighing-machine duly stamped by any Inspector, or other person hereby legally

As to weights and measures,

&c., stamped in any division and used in another.

anthorized to examine and stamp the same, shall be liable to be re-stamped, although the same 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 or other inspection, to which it shall remain subject as provided by this Act, by the Inspector or his assistant for the division in which it may then be.

Penalty for stamping any weights, &c., without verifying it.

46. If any Inspector or inspector's assistant 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 authorized instrument in his possession for the purpose, he shall, on conviction, incur a penalty not exceeding fifty dollars for each offence.

Or for stamping it out of the proper division.

47. If any Inspector or inspector's assistant knowingly stamps any balance, beam, weight or measure, or weighing-machine, belonging to any person residing within the limits of any inspection division for which another 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.

III—MISCELLANEOUS.

Regulations by Governor in Council.

48. 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 and their assistants in performence of their duties ;

2. The replacement and use of the standards ;

3. The methods of verifying local standards or weights and measures, weighing-machines and balances, and of certifying such verification ;

4. The amount of error that may be tolerated in weights, measures, balances and weighing-machines ;

5. The shapes, dimensions and proportions to be required in weights, weighing-machines and measures, and the material of which they may be made ;

6. The marking on weights and measures authorized under this Act of their several denominations ;

Publication.

And such regulations shall be published in the *Canada Gazette*.

Governor in Council may make a tariff of fees for inspection.

49. The Governor in Council may from time to time make, repeal or amend a tariff of fees to be paid to the Inspectors or their assistants for inspecting and stamping

weights and measures, balances, beams and other weighing-machines, under this Act, and the Order in Council containing such tariff and regulations, and any repeal or amedment thereof, shall be published in the *Canada Gazette* ; and the said fees shall form part of the Consolidated Revenue Fund of Canada.

When and how such fees are to be paid.

50. Such fees shall be paid at the time of the inspection, stamping or verification, to the Inspector or his assistant, who shall affix to the certificate given by him an adhesive stamp or stamps to the amount of such fee, 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 stamp or stamps have been duly affixed and remain affixed thereto and cancelled.

Stamp to be affixed to certificate.

Adhesive stamps for use under this Act.

51. 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.

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.

52. 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 thirtieth day of June, then last past, shall be laid before Parliament within the first fifteen days of the then next Session thereof.

IV.—LEGAL PROCEEDINGS.

Recovery of penalties.

53. All forfeitures and penalties imposed by this Act, or by any regulation made under its authority, shall be recoverable, with costs, before any civil court of competent jurisdiction, or 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 exceeeds fifty dollars, upon proof by confession, or by the oath of one credible witness, and may, if not forwith paid, be levied by execution or distress and sale of the goods and chattels of the offender, by warrant, under the hand and seal of such Justice, Justices or Magistrate,—by whom also any imprisonment to which the offender is liable may be awarded ; and to all such cases the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled : "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*," shall apply, subject to the provisions of this Act.

32-33 Vic., c. 31.

Appropriation of penalties.

2. One-half of any penalty so recovered shall belong to the party suing for the same, not being an Inspector or an Inspectors assistant, 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.

In whose name suits shall be brought.

3. Every such suit shall be instituted in the name of the Inspector acting in pursuance of this Act, who shall account for the same to the Department of Inland Revenue.

Forfeiture of false weights, &c.

4. All false weights, beams, balances and weighing-machines seized as forfeited under this Act, shall be delivered to the District Inspector, for the district in which the offence is committed, in whose custody they shall remain, subject to the order of the Department of Inland Revenue.

Remedy of party aggrieved by false weights, &c.

5. Any person aggrieved by the use of any weight or measure, or weighing-machine, which has not been duly inspected and stamped according to this Act, or which may be found light, deficient or otherwise unjust, may recover treble damages and costs.

Limitation of suits.

54. No action or prosecution shall be brought against any person for any forfeiture or penalty imposed by this Act, unless the same is commenced within three months after the offence is committed.

V.—REPEAL OF PREVIOUS ACTS.

Acts repealed: 36 V. c. 47. 40 V. c. 15.

55. The Act passed in the thirty-sixth year of Her Majesty's reign, and entitled "*An Act respecting Weights and Measures*," and the Act passed in the fortieth year of Her Majesty's reign, and entitled "*An Act to amend the Act respecting Weights and Measures*," are hereby repealed;

Proviso, as to things done under repealed acts.

Provided always, that all Acts or enactments repealed by either of the said Acts shall remain repealed, and that all things lawfully done under them or either of them shall remain valid, and all penalties incurred under them or any of them may be enforced and recovered, and all proceedings commenced under them or either of them may be continued and completed under this Act, which shall not be construed as a new law but as a consolidation and continuation of the repealed enactments with and subject to the amendments hereby made: And provided also, that the Act passed in the thirty-eighth year of Her Majesty's reign, and entitled

38 V. c. 36, to remain in force.

"*An Act to compel persons delivering certain merchantable liquids in casks, to mark on such casks the capacity thereof*," shall remain in force, and all penalties incurred under it before the passing of this Act shall be recoverable and appropriated

As to penalties under it.

under the Act first above repealed, but all penalties incurred under it after the passing of this Act shall be recovered and appropriated in the same manner as penalties imposed under this Act.

SCHEDULES.

FIRST SCHEDULE.

PART I.

DOMINION STANDARDS.

The following standards were constructed under the direction of the Commissioner of Inland Revenue :—

The Dominion Standard for determining the length of the Dominion standard yard is a solid square bar, thirty-eight inches long and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being thirty-six inches) to the depth of half an inch ; at the bottom of each hole is inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter,and upon the surface of each pin are cut, a fine line transverse to the axis of the bar, and two lines at an interval of about one-hundredth of an inch parallel to the axis of the bar ; the measure of length of the Dominion standard yard is given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line which is employed being the point midway between the longitudinal lines ; and the said points are in this Act referred to as the centres of the said gold plugs or pins, and such bar is marked "Mr. Baily's metal," "Standard Yard" "A," "Troughton and Simms, London." There are also, on the upper side of the bar, two holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature.

The Dominion Standard for determining the weight of the Dominion standard pound is of platinum-iridium, the form being that of a cylinder nearly 1·35 inch in height and 1·15 inch in diameter, with a groove or channel round it, whose middle is about 0·34 inch below the top of the cylinder, for insertion of the points of the ivory fork by which it is to be lifted the edges are carefully rounded off, and such standard pound is marked "A."

The Dominion Standard for determining the weight of the Dominion standard troy ounce is of platinum-iridium, the form being that of a truncated cone, with a knob, nearly $\frac{1}{10}$ths of an inch in height, including the knob, the knob being nearly $\frac{1}{4}$ inch and the base of the cone $\frac{1}{2}$ inch in diameter respectively, and such standard troy ounce is marked "A."

PART II.

PARLIAMENTARY COPIES OF DOMINION STANDARDS.

The following copies of the standards above mentioned in part one of this schedule were constructed at the same time as the above standards. They are of the same construction and form as the above standards, and they are respectively marked and deposited as follows :—

(1.) One of the copies of the Dominion standard for determining the Dominion standard yard, being a bronze bar marked "Mr. Baily's metal," "Standard Yard," "B," "Troughton and Simms, London." One of the copies of the Dominion standard for determining the Dominion standard pound, marked "B," and one of the copies of the Dominion standard for determining the Dominion standard troy ounce marked "B," have been deposited with the Speaker of the Senate.

(2.) One of the copies of the Dominion standard for determining the Dominion standard yard, being a bronze bar marked "Mr. Baily's metal," "Standard Yard" "C," "Troughton and Simms, London." One of the copies of the Dominion standard for determining the Dominion standard pound, marked "C," and one of the copies of the Dominion standard or determining the Dominion standard troy ounce, marked "C," have been deposited with the Speaker of the House of Commons.

SECOND SCHEDULE.

DEPARTMENTAL STANDARDS.

Measures of Length.		Measures of Capacity.
No. of each.	Denomination of Standard.	Denomination of Standard.
		Set marked "a."
1	100 feet.	Bushel.
1	66 feet or chain of 100 links.	Half-bushel.
2	10 feet end measures, with bed.	Peck.
1	6 feet end measure, with bed.	Gallon.
1	3 feet or 1 yard.	Half-gallon.
1	1 inch divided into 10 decimal parts, one of which is again divided into ten sub-divisions of $\frac{1}{100}$th of an inch each.	Quart.
		Pint.
		Half-pint.
		Gill.
		Quarter-gill.
		Set marked "b."
		Bushel.
		Half-bushel.
		Peck.
		Gallon.
		Half-gallon.
		Quart.
		Pint.
		Half-pint.
		Gill.
		Quarter-gill.

WEIGHTS.

Denomination of Standard.	Denomination of Standard.	Denomination of Standard.
Avoirdupois Weights.	Troy Bullion Weights.	Decimal Grain Weights.
Set marked "a."	*Set marked "a."*	*Set marked "a."*
50 pounds.	500 ounces.	1,000 grains.
30 do	300 do	600 do
20 do	200 do	300 do
10 do	100 do	200 do
5 do	50 do	100 do
3 do	30 do	60 do
2 do	20 do	30 do
1 pound.	10 do	20 do
8 ounces.	5 do	10 do
4 do	3 do	6 do
2 do	2 do	3 do
1 ounce.	1 do	2 do
8 drams.	·5 do	1 do
4 do	·3 do	·6 do
2 do	·2 do	·3 do
1 dram.	·1 do	·2 do
½ do	·05 do	·1 do
·5 pound.	·03 do	·06 do
·3 do	·02 do	·03 do
·2 do	·01 do	·02 do
·1 do	·005 do	·01 do
·05 do	·003 do	
·03 do	·002 do	
·02 do	·001 do	
·01 do		
·005 do		
·003 do		
·002 do		
·001 do		
Set marked "b."	*Set marked "b."*	*Set marked "b."*
50 pounds.	500 ounces.	1,000 grains.
30 do	300 do	600 do
20 do	200 do	300 do
10 do	100 do	200 do
5 do	50 do	100 do
3 do	30 do	60 do
2 do	20 do	30 do
1 pound.	10 do	20 do
8 ounces.	5 do	10 do
4 do	3 do	6 do
2 do	2 do	3 do
1 ounce.	1 do	2 do
8 drams.	·5 do	1 do
4 do	·3 do	·6 do
2 do	·2 do	·3 do
1 dram.	·1 do	·2 do
½ do	·05 do	·1 do
·5 pound.	·03 do	·06 do
·3 do	·02 do	·03 do
·2 do	·01 do	·02 do
·1 do	·005 do	·01 do
·05 do	·003 do	
·03 do	·002 do	
·02 do	·001 do	
·01 do		
·005 do		
·003 do		
·002 do		
·001 do		

THIRD SCHEDULE.

TABLES of the Values of the principal denominations of Measures and Weights of 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	32818·333383	49724·74747
Kilometre	1000	1093 944444	3281·833333	4972·47475
Hectometre	100	109·394444	328 183333	497 24747
Decametre	10	10 939444	32·818333	49 72475
Metre	1	1·093944	3·281833	4·97247
Decimetre	$\frac{1}{10}$	·109394	·328183	·49725
Centimetre	$\frac{1}{100}$	·010939	·032818	·04972
Millimetre	$\frac{1}{1000}$	·001094	·003282	·00497

2.—MEASURES OF SURFACE.

Metric Denominations and Value.		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 part 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	
Myriagramme		10000	22·046212	
Kilogramme		1000	2·204621	
Hectogramme		100	·220462	
Decagramme		10	·022046	
Gramme		1	·002204	15·4323487
Decigramme		$\frac{1}{10}$	·0002204	1·5432349
Centigramme		$\frac{1}{100}$	·0000220	·1543235
Milligramme		$\frac{1}{1000}$	·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 0224	
Decalitre	$\frac{1}{100}$	10	2 2024	
Litre	$\frac{1}{1000}$	1	·2202	
Decilitre	$\frac{1}{10000}$	$\frac{1}{10}$	·0220	
Centilitre	$\frac{1}{100000}$	$\frac{1}{100}$	·0022	

FOURTH SCHEDULE.

Metric Standards.

List of Metric Standards in the custody of the Inland Revenue Department.

MEASURES OF LENGTH.

Metre.

The Dominion standard for determining the length of the metre is a solid square bar, forty-one and a-half inches long, and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being one metre or thereabout) to the depth of half an inch; at the bottom of each hole is inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter, and upon the surface of each pin is cut a fine line transverse to the axis of the bar, and two lines at an interval of about 100th of an inch parallel to the axis of the bar. The measure of length of the metre is given by the interval between the transverse line at one end and the transverse liue at the other end, the part of each line employed being the point midway between the longitudinal lines, and the said points are in this Act referred to as the centres of the said gold plugs or pins, and such bar is marked "Mr. Baily's metal," "Standard Metre," "Troughton & Simms, London." There are also on the upper side of the bar two holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature. This standard is shorter than the French standard "Metre des archives" by ·00147 of a millimetre at 0° Centigrade, or 32° Fahrenheit, or is standard at 32·16° Fahrenheit.

WEIGHTS.

KILOGRAMME.

The Dominion standard for determining the weight of the Kilogramme is of bronze, the form being that of a cylinder with a knob, the cylinder having a groove cut in it at about two-thirds of its height. Its value as compared with the French Standard Kilogramme is 1000002·45 milligrammes, or 1.00000245 of a Kilogramme.

METRIC WEIGHTS.

No. of each.	Denomination.	No. of each.	Denomination.
1	20 Kilogrammes	1	5 Decigrammes
1	10 do	1	2 do
1	5 do	2	1 Decigramme
2	2 do	1	5 Centigrammes
1	1 Kilogramme	1	2 do
1	500 Grammes	2	1 Centigramme
2	200 do	1	5 Milligrammes
1	100 do	2	do
1	50 do	1	1 Milligramme.
2	20 do		
1	10 do		
1	5 do		
1	2 do		
2	1 Gramme		

No. 87.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend and consolidate the laws relating to Weights and Measures.

Received and read first time, Thursday, the 24th April, 1879.

Second reading, Friday, 25th April, 1879.

Mr. BABY.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1879.

No. 88. **BILL.** [1879.

An Act to amend the Acts respecting the Trinity House and Harbour Commissioners of Montreal.

Preamble.

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

Commissioners may, &c, adjust tolls under 36 V., c. 61.

1. The Harbour Commissioners of Montreal may make by-laws from time to time re-adjusting the tariff of tolls, rates, dues and duties, to be levied in the said harbour, under the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled "*An Act respecting the Trinity House and Harbour Commissioners of Montreal*," and the Acts amending it, and all the provisions and remedies contained in the said Acts respecting the levying of such tolls, rates, dues and duties, shall be applicable to them, as re-adjusted by such by-law: Provided always, that such re-adjusted tariff shall not increase the tolls, rates, dues and duties now in force in the said harbour; and provided also, that such re-adjusted tariff shall not be in force until approved by the Governor in Council.

Proviso: tolls not to be increased. May make arrangements and tariff for towage of seagoing vessels, and as to tugs using the harbour.

2. The Harbour Commissioners of Montreal may also from time to time make arrangements with the proprietors of tug steamers employed in towing seagoing and other vessels in the St. Lawrence River and Estuary, by means of which a regular tariff of rates for such towage may be established, and such vessels may be protected from undue exactions; and in consideration thereof, may make such special by-laws respecting such tug steamers and their accomodation in the harbour, and the dues and duties payable by them, as the said Harbour Commissioners of Montreal shall deem expedient.

May acquire and use tugs for the purpose; and make a tariff for them.

3. The Harbour Commissioners of Montreal may also acquire, hold and use steam-tugs for moving seagoing vessels in the said river or estuary, and in the said harbour of Montreal, and may from time to time, establish a tariff of charges for the use and employment thereof by such vessels, and may make by-laws regulating the use and employment of such tugs within the loca llimits of their jurisdiction.

Proviso: for approval of Governor in Council.

4. Provided always, that no by-law, or tariff of dues or duties or charges, made under either of the two next preceding sections, nor any amendment thereof, shall be in force until approved by the Governor in Council.

No. 88,

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Acts respecting the Trinity House and Harbour Commissioners of Montreal.

Received and read, first time, Thursday, 24th April, 1879.

Second reading, Friday, 25th April, 1879.

Mr POPE,
(Queen's, P.E.I.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1879.

No. 89.] **BILL.** [1879.

An Act respecting the Harbour of North Sydney 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 purpose 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: "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. Interpretation.

2. The Governor may, from time to time, appoint three Commissioners under this Act to have superintendence of the Harbour and Harbour Master of the Port of North Sydney, in the Province of Nova Scotia. Appointment of Commissioners.

3. The *Commissioners* shall, from time to time, appoint a fit and proper person to be Harbour Master for the said Port of North Sydney. Harbour Master.

4. The *Commissioners* 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 or as soon as possible after the thirty-first day of December of each year, of their doings in office and of the moneys received and expended by them, in such form as the said Minister may direct. Control of, and report to, 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 providing for the erection and location of ballast and other wharves, and the rates of wharfage to be paid for the use of such wharves; 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 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 of Commissioners. Regulations for Harbour. Penalties; amount limited.

Books to be kept.

6. The said Commissioners shall keep, or cause to be kept, a book or books in which shall be entered, from day to day, every vessel arriving in the Harbour and sailing from the Harbour, together with the description, tonnage and value of cargoes entered inwards and outwards.

Buoys and Beacons.

7. The said Commissioners shall place and maintain the necessary buoys and beacons in and for said Harbour.

Salary of Harbour Master.

8. The salary of the Harbour Master shall be at the rate of not exceeding *four hundred dollars* per annum.

Dues on ships using the harbour.

9. A rate or duty of one 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, for any purpose whatever.

Collection of dues by customs officer.

10. The said harbour dues shall be collected by the Collector of Customs at the said Port, who shall not grant entry inwards or clearance outwards to any ship until the harbour dues on her are paid; and shall pay over to the said Commissioners on the last day of each quarter, namely, on the 31st March, 30th June, 30th September, and 31st December, or as soon thereafter as possible, the amount so collected, for the maintenance and improvement of the said Harbour and wharves, and the buoys, beacons and other appurtenances thereof.

Employees.

11. It shall be lawful for the said Commissioners to appoint such officers, assistants and servants as may be found necessary for the maintenance and improvement of said Harbour, the erection of ballast or other wharves, and the carrying out of the provisions of this Act; and with the approval of the Minister of Marine and Fisheries, to appoint from time to time, and pay out of the proceeds of the said harbour dues fit and proper persons, not exceeding five in number as police constables, who, being duly sworn as such by any Justice of the Peace for the locality, shall, while so employed, obey all lawful orders of the said Commissioners, and shall have in the said Harbour, and for the distance of three miles from the boundaries thereof, all the rights, powers and responsibilities of constables duly appointed in Nova Scotia, but for the purpose only of carrying out this Act, and the criminal laws of the Dominion.

Harbour police: and their powers.

Application of harbour dues by Commissioners.

12. The said Commissioners shall pay out of the sums received by them as harbour dues from the Collector of Customs, the salary of the Harbour Master and other necessary expenses for carrying out this Act, and shall expend so much of the balance as may remain after the payment of the necessary expenses of the maintenance and repairs of said Harbour, ballast or other wharves, beacons and other appurtenances, in the improvement of the said Harbour, ballast and other wharves and appurtenances, in such manner and according to such plans as may be suggested by them, and approved by the Minister of Marine and Fisheries.

With approval of Minister.

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 the point of the North Bar to Fraser's Wharf on the south side of the Harbour, and from Fraser's Wharf on the South Bar to Point Edward, including the North-West Arm. Extent of the harbour.

14. So much of chapter seventy-nine of the Revised Statutes of Nova Scotia, and of the Act of the Parliament of the Dominion of Canada, passed in the thirty-sixth year of Her Majesty's reign, chaptered nine, and intituled "*An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick*," and of any other act or by-law, rule or regulation as is inconsistent with this Act, or as makes any provision for any matter provided for in this Act, is hereby repealed. Parts of chap. 79 of R. S. Nova Scotia, and 36 Vict., c. 9 repealed.

No. 89.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act respecting the Harbour of North Sydney in Nova Scotia.

Received and read the first time, Thursday, 24th April, 1879.

Second reading, Friday, 25th April, 1879.

Mr. POPE (Queens, P.E.I.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

No. 90.] **BILL.** [1879.

An Act to amend the Act respecting the Harbour of Pictou, in Nova Scotia.

Preamble. 36 V., c. 63.

IN amendment to the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*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 :—

Commissioners may employ policemen.

1. It shall be lawful for the Commissioners appointed under the said Act to have the superintendence of the said Harbour of Pictou, to appoint from time to time, with the approval of the Minister of Marine and Fisheries, and to pay out of the proceeds of the harbour dues collected under the said Act and received by them, fit and proper persons not exceeding *three* in number, as police constables, who being duly sworn as such by any justice of the peace for the locality, shall while so employed, obey all lawful orders of the said Commissioners, and shall have in the said harbour, and for the distance of *three* miles from the boundaries thereof, all the rights, powers and responsibilities of constables duly appointed in Nova Scotia, but for the purpose only of carrying out this Act, and the criminal laws of the Dominion.

Powers and duties of policemen.

Extent of harbour declared.

2. And in amendment of the said Act, and for removing doubts under it, and more especially under the fifth section thereof, it is declared and enacted that the said section and Act do and shall extend and apply to the South Market Street wharf, and to any other wharf or wharves which the Commissioners have built or may hereafter build, as fully and effectually as to the public wharf mentioned in the said fifth section.

No. 90.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act respecting the Harbour of Pictou in Nova Scotia.

Received and read, First time, Thursday, 24th April, 1879.

Second reading, Friday, 25th April, 1879.

Mr. POPE (Queens, P.E.I.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 91.] **BILL.** [1879.

An Act to amend "The Pilotage Act, 1873."

IN amendment of "*The Pilotage Act*, 1873," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 36 Vic., c. 54.

1. The sixty-fifth section of the said Act is hereby amended by inserting after the word "ship" in the first line thereof, the words "registered in Canada"; and after the passing of this Act no master or mate of any ship not registered in Canada shall be examined or receive a pilotage certificate, under the said section, or act as a Pilot under the said Act. Section 65 amended.

2. In addition to the general powers of pilotage authorities mentioned in section eighteen of the said Act, the Pilotage Authority of the Pilotage District of Montreal, shall have power from time to time by by-law confirmed as provided in the said section, to make provision for granting a second class pilotage license, to such indentured apprentices as may be found competent to perform a limited or subordinate class of pilotage duties, such second class licenses to remain in force until the holders of them become qualified to be licensed as pilots, unless sooner withdrawn or suspended for cause; and from time to time to fix and alter the pilotage dues payable to the holders of such second class licenses; But the employment of a pilot holding a second class license, shall not be compulsory. Power to Montreal Pilotage Authorities to grant second class pilot licences and make a tariff of pilotage dues. Proviso.

No. 91.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

An Act to amend "The Pilotage Act, 1873."

Received and read, first time, Thursday, 24th April, 1879.

Second reading, Friday, 25th April, 1879.

Mr. POPE,
(Queen's, P.E.I.)

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

1879.

No. 92.] **BILL.** [1879.

An Act to amend "The Seamen's Act, 1873."

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

1. The thirty-second section of the Act passed in the thirty-sixth year of Her Majesty's Reign, chaptered one hundred and twenty-nine, and intituled "*An Act respecting the Shipping of Seamen*," is hereby repealed, and the following is substituted therefor:— 36 V., c. 129 s. 32 repealed.

"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 the Shipping Master be the chief officer of Customs at the Port he shall not clear any such ship of over one hundred and fifty tons register without such certificates being first produced to him and shall not clear any ship of any tonnage register 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 the Shipping Master be not the chief officer of Customs at the Port, then in the case of any ship of any tonnage register on all the requirements of this Act being complied with to the satisfaction of the Shipping Master, and in the case of any such ship of over one hundred and fifty tons register on the production of the said certificates, in addition to complying with all the requirements of this Act 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; New section substituted. To apply to ships of any tonnage whatever. Penalty on ships going to sea without complying with the Act.

No officer of Customs shall clear any ship of any tonnage register without the production of the Shipping Master's certificate to the effect that all the requirements of this Act have been complied with, 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 shall not clear any such ship of over one hundred and fifty tons register, without the production of such certificate and the certificates of competency or service above mentioned; and if any ship of any tonnage register attempts to go to sea without Custom Officers forbidden to clear ships until Act is complied with.

complying with all the requirements of this Act, 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 ship outwards until all the requirements of this Act have been complied with to his satisfaction.

No. 92.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend "The Seamen's Act, 1873."

Received and read, first time, Thursday, 24th April, 1879.

Second reading, Friday, 25th April, 1879.

Mr. POPE,
(Queen's, P.E.I.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1879.

No. 93.] **BILL.** [1879.

An Act to alter the Duties of Customs and Excise, with the Tariff of Duties payable under it.

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

Repeal of enactments imposing duties of customs.

1. So much of all Acts and parts or schedules of Acts and of all Orders in Council, as imposes any duty of Customs upon goods, (which word shall, for all the purposes of this Act, have the meaning assigned to it in the Act passed in fortieth year of Her Majesty's reign and intituled, "*An Act to amend and consolidate the Acts respecting the Customs*,") or exempts goods from Customs duty when imported into Canada, or is in any wise inconsistent with this Act, is hereby repealed, but any power conferred upon the Governor in Council by the Act last cited, (40 Vict. cap. 10) to transfer dutiable goods to the list of goods free of duty, is not hereby abrogated or impaired :—and in lieu and instead of all other duties of Customs upon goods imported into Canada, there shall be raised, levied, collected and paid upon the goods enumerated in Schedule A to this Act, or referred to as not enumerated therein but charged with duty, imported into Canada or taken out of warehouse for consumption therein, the several duties of Customs set forth and described in the said Schedule A, and set opposite to each respectively, or charged on them as not enumerated; subject to the provisions hereinafter made.

Saving certain power under 40 V. c. 10.

Duties in Schedule A imposed.

Goods free of duty.

2. The goods enumerated in Schedules B and C may, subject to the provisions and conditions therein mentioned, be imported into Canada or taken out of warehouse for consumption therein, without payment of any duty of Customs thereon.

Prohibited goods.

3. The goods enumerated in Schedule D shall not be imported into Canada, under the penalty therein mentioned, and if imported shall be forfeited and forthwith destroyed.

Provisions respecting packages containing goods paying *ad valorem* duty.

4. The value of all bottles, flasks, jars, demijohns, carboys, casks, hogsheads, pipes, barrels, and all other vessels or packages, manufactured of tin, iron, lead, zinc, glass, or any other material, and capable of holding liquids, crates, barrels and other packages containing glass, china, crockery, or earthenware, and all packages in which goods are commonly placed for home consumption, including cases in which bottled spirits, wines, or malt liquors are contained, and every package, being the first receptacle or covering enclos-

ing goods for purpose of sale, shall, in all cases not otherwise provided for, in which they contain goods subject to an *ad valorem* duty, be taken and held to be a part of the fair market value of such goods for duty, and when they contain goods subject to specific duty only, such packages shall be charged with a duty of customs of twenty per centum *ad valorem*, to be computed upon their original cost or value; and all or any of the above packages described as capable of holding liquids, when containing goods exempt from duty under this Act, shall be charged with a duty of twenty per centum *ad valorem*; but, all packages not hereinbefore specified, and not herein specially charged with or declared liable to duty to under regulations and being the usual and ordinary packages in which goods are packed for exportation only, according to the general usage and custom of trade, shall be free of duty.

As to packages containing goods paying specific duty only.

Other packages free.

As to goods on which a draw-back has been allowed in country of manufacture.

5. On all goods imported into Canada, subject under this Act to *ad valorem* duty, upon which a drawback of duties has been allowed by the Government of the country where the same were manufactured, the amount of such drawback shall, in all cases, be taken and considered to be a part of the fair market value of such goods, and duty shall be collected thereon; and in cases where the amount of such drawback has been deducted from the value of such goods upon the face of the invoice under which entry is to be made, the Collector of Customs or proper officer, shall add the amount of such deduction and collect and cause to be paid the lawful duty thereupon; and the fair market value of all goods imported into Canada shall be understood to be the ordinary wholesale price at which the same are sold for home consumption in the country where they are purchased or manufactured, without deduction of any kind because of any drawback paid or to be paid thereon, or because of any special arrangement between the seller and purchaser having reference to the exportation of such goods, or the exclusive right to territorial limits for the sale thereof, or because of any royalty payable upon patent rights but not payable when goods are purchased for exportation, or on account of any other consideration by which a special reduction in price might or could be obtained: Provided that nothing herein shall be understood to apply to general fluctuations of market values.

No reduction of value by reason of drawback, &c.

Proviso.

Certain articles to be free of duty in Canada, when free in United States.

6. Any or all of the following articles, that is to say, animals of all kinds, green fruit, hay, straw, bran, seeds of all kinds, vegetables (including potatoes and other roots), plants, trees, and shrubs, coal and coke, salt, hops, wheat, peas and beans, barley, rye, oats, Indian corn, buckwheat and all other grain, flour of wheat and flour of rye, Indian meal and oatmeal, and flour or meal of any other grain, butter, cheese, fish (salted or smoked), lard, tallow, meats (fresh, salted or smoked), and lumber, may be imported into Canada free of duty, or at a less rate of duty than is provided by this Act, upon Proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of

duty, or at a rate of duty not exceeding that payable on the same under such Proclamation when imported into Canada.

Provision in case of higher duty in U. S. on tea or coffee imported from Canada than from elsewhere.

7. If at any time any greater duty of Customs should be payable in the United States of America on tea or coffee imported from Canada than on tea or coffee imported from any other country, then the Governor in Council may impose on tea or coffee imported into Canada from the said United States an additional duty of customs equal to the duty payable in the United States on tea or coffee imported from Canada: Provided that tea or coffee imported into Canada from any country other than the said United States, but passing in bond through the United States, shall be taken and rated as a direct importation from the country in which the tea or coffee was purchased.

Proviso, in such case.

Allowance for natural deterioration or breakage on certain articles.

8. An allowance may be made for deterioration by natural decay or breakage upon all perishable and brittle goods imported into Canada, such as green fruits and vegetables, crockery, china, glass and glassware, provided such damage is found to exceed twenty-five per cent. of the value thereof upon an examination to be made by an appraiser, or proper officer of customs, at their first landing, or within three days of such landing; but such allowance shall be only for the amount of loss in excess of twenty-five per cent. of the whole quantity of such goods contained or included in any one invoice; and provided the duty has been paid on the full value thereof, a refund of such duty may be allowed and paid in the proportion and on fulfilment of the conditions above specified, but not otherwise, on application to the Minister of Customs.

Amount limited.

Proviso.

Cost of inland transportation, &c., to be deemed part of value.

9. In determining the dutiable value of goods, except when imported from Great Britain and Ireland, there shall be added to the cost or the actual wholesale price or fair market value at the time of exportation in the principal markets of the country from whence the same has been imported into Canada, the cost of inland transportation, shipment and trans-shipment, with all the expenses included, from the place of growth, production, or manufacture, whether by land or water, to the vessel in which shipment is made, either *in transitu* or direct to Canada, subject to such regulations as may be made by the Governor in Council.

Governor in Council may make regulations for ensuring fair valuation.

10. The Governor in Council shall from time to time establish such regulations, not inconsistent with law, as may be required to secure a just, faithful and impartial appraisal of all goods imported into Canada, and just and proper entries of the actual or fair market value thereof, and of the weights, measures or other quantities thereof, as each case may require; and such regulations, whether general or special, so made by the Governor in Council, shall have the full force and authority of law, and it shall be the duty of the appraisers of Canada and every of them, and every person who shall act as such appraiser, or of the Collector of Customs, as the case may be, by all reasonable ways and and means in his or their power, to ascertain, estimate and

Duty of appraisers.

appraise the true and fair market value and wholesale price, (any invoice or affidavit thereto to the contrary notwithstanding,) of the goods at the time of exportation, and in the principal markets of the country whence the same have been imported into Canada, and the proper weights, measures or other quantities, and the fair market value or wholesale price of every of them, as the case may require.

No refund of duty for alleged inferiority of value, &c., except in certain cases.

11. No refund of duty paid shall be allowed, because of any alleged inferiority or deficiency in quantity of goods imported and entered, and which have passed into the custody of the importer under permit of the Collector of Customs, nor because of the omission in the invoice of any trade discount, or other matter or thing, which might have the effect of reducing the value of such goods for duty, unless the same has been reported to the Collector of Customs within ten days of the date of entry, and the said goods have been examined by the said Collector or by an appraiser, or other proper officer of Customs, and the proper rate or amount of reduction certified by him after such examination; and if such Collector or proper officer reports that the goods in question cannot be identified as those named in the invoice and entry in question, then and in such case no refund of the duty or any part thereof shall in any case be allowed; and all applications for refund of duty in such cases shall be submitted, with the evidence and all particulars, for decision of the Minister of Customs, who may then order payment on finding the evidence to be sufficient and satisfactory.

Not if goods cannot be identified.

Minister of Customs to decide.

Remission of or on duties on wines in certain cases.

12. The whole or part of the duty of thirty per centum *ad valorem* imposed by this Act upon wines imported into Canada, may be remitted upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that the Governments of France and Spain, or of either of them, have made changes in their tariffs of duties imposed upon articles imported from Canada in reduction or repeal of the duties now in force in the said countries.

Excise duties on spirits altered.

13. In lieu of all Excise duties—except license fees—now or heretofore imposed on spirits, there shall be imposed, levied and collected upon every gallon of the strength of proof by Syke's Hydrometer, and so in proportion for any greater or less strength of spirits, the manufacture of which has not been wholly completed, or upon which the duty has not been paid before the coming into force of this section, an excise duty of one dollar.

And on malt.

14. In lieu of all Excise duties—except license fees—now or heretofore imposed on malt, there shall be imposed, levied and collected on every pound of malt made and weighed as removed from the kiln, and upon which the duty had not been paid before the coming into force of this section, an Excise duty of one cent.

Draw-back on present stocks of malt liquors.

15. Upon all stocks of malt liquor held by Licensed Brewers at the time of the coming into force of this Section,

a drawback may be paid on the malt contained in such stocks, equal to the duty paid thereon in excess of one cent. per pound, and the quantity of malt contained in such stocks of Malt Liquor, shall be determined under the existing Departmental regulations for determining the quantity of malt contained in malt liquor.

Excise duty on certain kinds of tobacco altered.

16 In lieu of all Excise duties—except license fees—now imposed on Tobacco known as "common Canadian twist," otherwise called "tabac blanc en torquette," being the unpressed leaf rolled and twisted, and made wholly from raw tobacco the growth of Canada, and upon raw leaf the growth of Canada, there shall be imposed, levied and collected on every pound, or less quantity than a pound, an Excise duty of four cents.

From what time the foregoing provisions shall have effect.

17. The foregoing sections of this Act shall be held to have come into force, and the duties mentioned therein and in the schedules to this Act shall be held to have been imposed and to have been substituted for those imposed by any Acts or parts of Acts theretofore in force, on and after the fifteenth day of March, in the present year of our Lord, one thousand eight hundred and seventy-nine, and to have been payable on all goods imported or taken out of warehouse for consumption upon or after the said day, or becoming subject to the duties of Excise on and after the same under the next preceding four sections.

General Acts respecting Customs and Inland Revenue, too apply to duties under this Act.

Saving of obligations incurred as to former duties.

18. The Acts now in force respecting the Customs and respecting Inland Revenue and Excise, and all regulations lawfully made or to be made under them respectively, shall apply to the duties imposed by this Act, except in so far only as they may be inconsistent with this Act : and all words and expressions used in this Act shall have the meaning assigned to them in the said Acts respectively : and the said Acts respecting the Customs and Inland Revenue and Excise, shall continue to apply to any duties accrued under enactments hereby repealed, which may not have been paid before the day last mentioned, and to all bonds, penalties or forfeitures or proceedings relating to or resulting from such non-payment, or the non-observance of any enactment or provision of law respecting any such duties.

SCHEDULE A.

GOODS SUBJECT TO DUTIES.

Acid, Sulphuric, half a cent per pound	½ c. p. lb.
Acetic, twelve cents per Imperial gallon	12 c. p. I. g.
Muriatic and Nitric, twenty per cent. *ad valorem*	20 p. ct.
But Carboys containing acids shall be subject to the same duty as if empty.	
Agricultural Implements, not otherwise herein provided for, twenty-five per cent. *ad valorem*	25 p. ct.
Ale, beer and porter, when imported in bottles (six quart or twelve pint bottles to be held to contain one Imperial gallon) eighteen cents per Imperial gallon	18 c. p. I.g.
Ale, beer and porter, when imported in casks, or otherwise than in bottles, ten cents per Imperial gallon	10 c. p. I. g.
Animals, living, of all kinds not elsewhere specified, twenty per cent. *ad valorem*	20 p. ct.
Artificial Flowers, thirty per cent. *ad valorem*	30 p. ct.
Babbit metal, ten per cent. *ad valorem*	10 p. ct.
Billiard tables, without pockets, four feet six inches by nine feet, a specific duty of twenty-two dollars and fifty cents each	$22.50
On those of five feet by ten feet, a specific duty of twenty-five dollars each	$25
On billiard tables with pockets, five feet six inches by eleven feet, a specific duty of thirty-five dollars each	$35
And on those of six feet by twelve feet, a specific duty of forty dollars each	$40
And in addition thereto ten per cent. *ad valorem*; each table to include twelve cues, and one set of four balls, with markers, cloths, and cases, but no pool balls	& 10 p. ct.
Blacking, shoe, twenty-five per cent. *ad valorem*	25 p. ct.
Books, printed, periodicals and pamphlets, bound or in sheets, not being foreign reprints of British copyright works, nor blank account books, nor copy-books, nor books to be written or drawn upon, nor Bibles, prayer-books, psalm and hymn-books, six cents per pound.	6 c. p. lb.
British copyright works, reprints of, six cents per pound, and in addition thereto twelve and a-half per per cent. *ad valorem*	6 c. p. lb. & 12½ p. ct.
Bibles, prayer-books, psalm and hymn-books, five per cent. *ad valorem*	5 p. ct.
Books, periodicals and pamphlets imported through the Post-office, for every two ounces in weight or fraction thereof, one cent	1 c. for 2 oz.
Blank books, bound or in sheets, twenty-five per cent. *ad valorem*	25 p. ct.
Printed, lithographed, or copper, or steel plate bill-heads, cheques, receipts, drafts, posters, cards, commercial blank forms, labels of every description, advertising pictures or pictorial show-cards or bills, thirty per cent. *ad valorem*	30 p. ct.
Advertising pamphlets, one dollar per hundred	$1 p. 100.
Maps and charts, twenty per cent. *ad valorem*	20 p. ct.
Printed music, bound or in sheets, six cents per pound	6 c. p. lb.
Playing cards, thirty per cent. *ad valorem*	30 p. ct.
Book-binders' tools and implements, including ruling machines and binders' cloth, fifteen per cent. *ad valorem*	15 p. ct.
Brass, old and scrap; in bars, bolts and sheets, in wire, round or flat; seamless drawn tubing and plain and fancy tubing, ten per cent. *ad valorem*	10 p. ct.
Manufactures of brass, not elsewhere specified, thirty per cent. *ad valorem*	30 p. ct.

BREADSTUFFS, VIZ. :

Barley, fifteen cents per bushel	15 c. p. bsh.
Buckwheat, ten cents per bushel	10 "
Indian corn, seven and a-half cents per bushel	7½ "
Oats, ten cents per bushel	10 "
Rice, one cent per pound	1 c. p. lb.
Rye, ten cents per bushel	10 c. p. bsh.
Wheat, fifteen cents per bushel	15 "
Pease, ten cents per bushel	10 c. p. bsh.
Beans, fifteen cents per bushel	15 "
Buckwheat meal or flour, one-fourth of one cent. per pound	¼ c. p. lb.
Cornmeal, forty cents per barrel	40 c. p. brl.
Oatmeal, one-half cent per pound	½ c. p. lb.
Rye flour, fifty cents per barrel	50 c. p. brl.
Wheat flour, fifty cents per barrel	50 "
Rice and sago flour, two cents per pound	2 c. p. lb.
Brick, for building, twenty per cent. *ad valorem*	20 p. ct.
Brooms and brushes, twenty-five per cent. *ad valorem*	25 p. ct.
Butter, four cents per pound	4 c. p. lb.
Buttons of all kinds, twenty-five per cent. *ad valorem*	25 p. ct
Candles, tallow, two cents per pound	2 c. p. lb.
Candles, parafine wax, five cents per pound	5 c. p. lb.
All other candles, including sperm, twenty-five per cent. *ad valorem*	25 p. ct.
Carriages, waggons, railway cars and carriages, sleighs, wheelbarrows, and other like articles, thirty per cent. *ad valorem*	30 p. ct.
Cement, raw, or in stone from the quarry, one dollar per ton of thirteen cubic feet (see stone)	$1 p. ton.
Cement, burnt and unground, seven and a half cents per one hundred pounds	7½ c. p. 100 lbs.
Cement, hydraulic, or water lime, ground, including barrels, forty cents per barrel	40c. p. brl.
Cement in bulk or in bags, nine cents per bushel	9c. p. bsh.
Cement, Portland or Roman, twenty per cent. *ad valorem*	20 p. ct.
Cheese, three cents per pound	3c. p. lb.
Chicory, raw or green, three cents per pound	3c. "
Chicory, or other root or vegetable used as a substitute for coffee, kiln dried, roasted or ground, four cents per pound	4c. p. lb.
China and porcelain ware, twenty per cent. *ad valorem*	20 p. ct.
Clocks, and parts thereof, thirty-five per cent. *ad valorem*	35 p. ct.
Coal, anthracite and bituminous, fifty cents per ton of two thousand pounds	50c. p. ton.
Coal tar and coal pitch, ten per cent. *ad valorem*	10 p. ct.
Cocoa-nuts, one dollar per one hundred	$1 p. 100.
Cocoa paste and chocolate, not sweetened, twenty per cent. *ad valorem*	20 p. ct.
Cocoa paste and other preparations of cocoa containing sugar, one cent per pound and twenty five per cent. *ad valorem*	1c. p. lb. & 25 p. ct.
Coffee, green, two cents per pound	2c. p. lb.
Coffee, roasted or ground, and all imitations of and substitutes for, three cents per pound	3c. p. lb.
Coke, fifty cents per ton of 2,000 pounds	50c. p. ton.
Copper, old and scrap, in pigs, bars, rods, bolts, ingots, sheets and sheathing not planished or coated; copper wire, round or flat; and copper seamless drawn tubing; ten per cent. *ad valorem*	10 p. ct.

Copper rivets and burrs, and all manufactures of copper not elsewhere specified, thirty per cent. *ad valorem*	30 p. ct.
Cordage for ships' purposes, ten per cent. *ad valorem*.....	10 p. ct.
Cordage, all other, twenty per cent. *ad valorem*.....	20 p. ct.
Corks, and other manufactures of cork-wood or cork-bark, twenty per cent. *ad valorem*.....	20 p. ct.

COTTON, MANUFACTURES OF, VIZ.:

Grey or unbleached and bleached cottons, sheetings, drills, ducks, cotton or canton-flannels, not stained, painted or printed, one cent per square yard, and fifteen per cent. *ad valorem*.....	1c. p. s. y. and 15 p. ct.
All cotton jeans, denims, drillings, bedtickings, ginghams, plaids, cotton or canton-flannels, ducks and drills, dyed or colored; checked and striped shirtings, cottonades, pantaloon stuffs, and goods of like description, two cents per square yard and fifteen per cent. *ad valorem*.....	2c. p. s. y. and 15 p. ct.
All cotton wadding, batting, batts and warps, carpet-warps, knitting yarn, hosiery yarn and other cotton yarns under number forty, not bleached, dyed or colored, two cents per pound and fifteen per cent. *ad valorem*.....	2c. p. lb. and 15 p. ct.
And if bleached, dyed or colored, three cents per pound and fifteen per cent. *ad valorem*.....	3c. p. lb. &15 p. ct.
Cotton warp, on beams, one cent per yard and fifteen per cent. *ad valorem*.....	1c. p. yd. &15 p. ct.
Cotton seamless bags, two cents per pound and fifteen per cent. *ad valorem*.....	2 ct. p. lb. &15 p. ct.
Cotton shirts and drawers, woven or made on frames, and all cotton hosiery, thirty per cent. *ad valorem*....	30 p. ct.
Cotton sewing-thread, on spools, twenty per cent. *ad valorem*.....	20 p. ct.
Cotton sewing-thread, in hanks, twelve and a-half per cent. *ad valorem*.....	12½ p. ct.
Cotton duck, or canvas of hemp or flax, and sail twine, when to be used for boats' and ships' sails, five per cent. *ad valorem*.....	5 p. ct.
All clothing made of cotton, or of which cotton is the component part of chief value, including corsets, thirty per cent. *ad valorem*.....	30 p. ct.
All manufactures of cotton not elsewhere specified, twenty per cent. *ad valorem*.....	20 p. ct.
Drain-tile, and drain pipes and sewer pipes, glazed or unglazed, twenty per cent. *ad valorem*.....	20 p. ct.
Earthenware and stoneware, brown or colored, and Rockingham ware, twenty-five per cent. *ad valorem*.....	25 p. ct.
Earthenware, white, granite or iron-stone ware, and "C. C." or cream colored ware, thirty per cent. *ad valorem*.	30 p. ct.
Electro plated ware, (*See* plated ware).	
Essences, viz.: of apple, pear, pine-apple, raspberry, strawberry, and other fruits and vanilla, one dollar and ninety cents per imperial gallon, and twenty per cent. *ad valorem*.....	$1.90 p. Imp. gal. & 20 p.ct.
Essential oils for manufacturing purposes, twenty per cent. *ad valorem*.....	20 p. ct.
Excelsior for upholsterers' use, twenty per cent. *ad valorem*	20 p. ct.
Feathers, ostrich and vulture, undressed, fifteen per cent. *ad valorem*; and dressed, twenty-five per cent. *ad valorem*	15 p. ct. 25 p. ct.

Fire-brick or tiles, for lining stoves and furnaces, twenty per cent. *ad valorem*	20 p. ct.
Fish, fresh, salted or smoked, except fish free of duty as provided by the Treaty of Washington, one cent per pound	1c. p. lb.
Flax fibre, scutched, one cent per pound	1c. p. lb.
Hackled, two cents per pound	2c. do
Flax, tow of, scutched or green, one-half cent per pound.	½c. do
Flax seed, ten cents per bushel	10c. p. bsh
Fruit, dried, viz.: apples, two cents per pound	2c. p. lb.
Currants, dates, figs, plums, prunes, raisins, and all other not elsewhere specified, twenty-five per cent. *ad valorem*	25 p. ct

FRUIT, GREEN, VIZ.:

Apples, forty cents per barrel	40c. p. brl.
Blackberries, gooseberries, raspberries and strawberries, two cents per quart	2c. p. qt.
Cherries and currants, one cent per quart	1c. do
Cranberries, plums and quinces, thirty cents per bushel	30c. p. bsh.
Grapes, one cent per pound	1c. p. lb.
Peaches, forty cents per bushel	40c. p. bsh.
Oranges and lemons, twenty per cent. *ad valorem*	20 p. ct.
Fruits in air-tight cans, including cans, three cents per pound if sweetened, and two cents per pound if not sweetened	3c. p. lb. & 2c. p. lb.
Fruits, preserved in brandy, or other spirits, one dollar and ninety cents per Imperial gallon	$1.90 p. I.g.

FURS, VIZ.:

Fur skins, dressed, fifteen per cent. *ad valorem*	15 p. ct.
Caps, hats, muffs, tippets, capes, coats, cloaks and other manufactures of fur, twenty-five per cent. *ad valorem*	25 p. ct.
Furniture, house, cabinet or office, finished or in parts, including hair and spring mattrasses, show cases, caskets and coffins of any material, thirty-five per cent. *ad valorem*	35 p. ct.
Gas, coal-oil or kerosene fixtures, or parts thereof, thirty per cent. *ad valorem*	30 p. ct

GLASS AND MANUFACTURE OF, VIZ.:

Carboys and demijohns, pressed bottles, flasks and phials of every description; telegraph and lightning-rod insulators; and fruit jars and glass balls, thirty per cent. *ad valorem*	30 p. ct.
Lamp and gas-light shades, lamps and lamp chimnies, globes for lanterns, lamps and gas lights, thirty per cent. *ad valorem*	30 p. ct.
Ornamented, figured and enamelled stained glass, stained, tinted, painted and vitrified glass, and stained glass windows, figured, enamelled and obscured white glass, thirty per cent. *ad valorem*	30 p. ct.
Common and colorless window glass, and colored glass not figured, painted, enamelled or engraved, twenty per cent. *ad valorem*	20 p. ct.
All other glass and manufactures of glass not herein otherwise provided for, twenty per cent. *ad valorem.*	20 p. ct.

GUNPOWDER AND OTHER EXPLOSIVES, VIZ.:

Gun, rifle and sporting powder in kegs, half-kegs, or quarter-kegs and other similar packages, five cents per pound	5 c. p. lb.
Cannon and musket powder in kegs and barrels, four cents per pound	4 c. p. lb.
Canister powder, in pound and half pound tins, fifteen cents per pound	15 c. p. lb.
Blasting and mining powder, three cents per pound.	3 c. p. lb.
Giant powder, dualin, dynamite and other explosives in which nitro-glycerine is a constituent part, five cents per pound, and twenty per cent. *ad valorem*	5 c. p. lb. & 20 p. ct.
Nitro-glycerine, ten cents per pound and twenty per cent. *ad valorem*	10 c. p. lb. & 20 p. ct.
Gutta-percha, manufactures of, twenty-five per cent. *ad valorem*	25 p. ct.
Hair, curled, twenty per cent. *ad valorem*	20 p. ct.
Hats, caps and bonnets, not elsewhere specified, twenty-five per cent. *ad valorem*	25 p. ct.
Hatters' plush of silk or cotton, ten per cent. *ad valorem*..	10 p. ct.
Honey, bees', in the comb or otherwise, three cents per pound	3 c. p. lb.
Hops, six cents per pound	6 c. p. lb.
India-rubber, viz.: boots and shoes, and other manufactures of, twenty-five per cent. *ad valorem*	25 p. ct.

IRON AND MANUFACTURE OF, VIZ.:

Pig, two dollars per ton	$2 per ton
Old and scrap, two dollars per ton	$2 per ton
In slabs, blooms, loops or billets, puddled or not, and muck and puddled bars or billets, twelve and one-half per cent. *ad valorem*	12½ p. ct.
In bars, rolled or hammered, including flats, rounds, and squares, nail and spike rods, and all other iron not otherwise provided for, seventeen and one-half per cent. *ad valorem*	17½ p. ct.
Rolled round wire rods, in coils under half an inch in diameter, ten per cent. *ad valorem*	10 p. ct.
Iron rails or railway bars for railways or tramways, fifteen per cent. *ad valorem*	15 p. ct.
Railway fish-plates, frogs, frog-points, chairs and finger-bars, seventeen and a-half per cent. *ad valorem*	17½ p. ct.
Tin plates, ten per cent. *ad valorem*	10 p. ct.
Band and hoop, sheet smoothed or polished, coated or galvanized and common or black, and boiler plate, number seventeen guage or thinner, and Canada plates, twelve and one-half per cent. *ad valorem*	12½ p. ct.
Iron and steel wire, galvanized or not, fifteen per cent. *ad valorem*	15 per ct.
Stoves and other castings, not elsewhere specified, twenty five per cent. *ad valorem*	25 per ct
Gas, water and soil pipes of cast iron, twenty-five per cent. *ad valorem*	25 per ct.
Car-wheels and axles, twenty five per cent. *ad valorem*....	25 per ct.
Rolled beams, channels and angle and T iron, fifteen per cent. *ad valorem*	15 per ct.
Iron bridges and structural iron work, malleable iron castings and iron safes, and doors for safes and vaults, twenty-five per cent. *ad valorem*	25 per ct.

IRON AND MANUFACTURE OF, VIZ:—

Mill-irons and mill-cranks, and wrought forgings, for mills and locomotives, or parts thereof weighing 25 pounds or more, twenty per cent. *ad valorem*.....	20 per ct.
Locomotive engines and stationary, fire or other steam engines and boilers, and other machinery composed wholly or in part of iron, twenty five per cent. *ad valorem*.....	25 per ct.
Locomotive tires of steel or Bessemer steel in the rough, ten per cent. *ad valorem*..... ...	10 per ct.
Drawn boiler tubing, ten per cent. *ad valorem*.....	10 per ct.
Bedsteads and other iron furniture and ornamental iron work and wire work, twenty-five per cent. *ad valorem*	25 per ct.
Skates and locks of all kinds, thirty per cent. *ad valorem*.....	30 per ct.
Tinned, glazed or enamelled hollow-ware, of cast or wrought iron, twenty five per cent. *ad valorem*.....	25 per ct.
Hardware, viz.: builders', cabinet makers', upholsterers', carriage makers', saddlers', and undertakers', including coffin trimmings of metal, thirty per cent. *ad valorem*.....	30 per ct.
Bolts, washers and rivets, thirty per cent. *ad valorem*.....	30 per ct.
Tacks, brads and sprigs, Hungarian and clout nails, thirty per cent. *ad valorem*.....	30 per ct.
Horse-shoes and horse-shoe nails, thirty per cent. *ad valorem*.....	30 per ct.
Iron wire nails, called "Pointes de Paris," thirty per cent. *ad valorem*.....	30 per ct.
Iron and steel screws, commonly called "wood screws," thirty-five per cent. *ad valorem*.....	35 per ct.
Scales, balances and weighing beams, thirty per cent. *ad valorem*.....	30 per ct.
Chain cables over half an inch in diameter, whether shackled or swiveled, or not, five per cent. *ad valorem*	5 per ct.
Nails and spikes, cut, half-a-cent per pound and ten per cent. *ad valorem*.....	½c. p. lb. & 10 per ct.
Nails and spikes, wrought and pressed, whether galvanized or not, three-fourths of a cent per pound and ten per cent. *ad valorem*.....	¾c. p. lb & 10c per ct.
Composition nails and spikes and sheathing nails, twenty per cent. *ad valorem*.....	20 per ct.
Nuts, one cent per pound and ten per cent. *ad valorem*	1 c. p. lb. & 10 p. ct.
Sewing machines, whole, or heads or parts of heads of sewing machines, two dollars each, and in addition thereto, twenty per cent. *ad valorem*.....	$2.00 and 20 per ct.
Ink for writing, twenty-five per cent. *ad valorem*	25 p. ct.
Jewellery and manufactures of gold and silver, and watches, twenty per cent. *ad valorem*.....	20 per ct.
Jute, manufactures of, twenty per cent. *ad valorem*.....	20 per ct.
Lard, tried or rendered, two cents per pound	2c. p. lb.
Lard, untried, one and a-half cents per pound	1½c. "
Lead, old and scrap, and in pigs, bars, blocks, and sheets, ten per cent. *ad valorem*	10 per ct.
Lead pipe and lead shot, and all manufactures of lead not otherwise specified, twenty-five per cent. *ad valorem*	25 per ct.
Leather board, three cents per pound.....	3c. p. lb.
Boot and shoe counters made from leather board, half-a-cent per pair	½ c. p. pr.

Leather, sole, tanned but rough or undressed, ten per cent. *ad valorem*	10 p. ct.
Morocco skins, tanned, but rough or undressed, ten per cent. *ad valorem*	10 p. ct.
Sole leather and belting leather, tanned, but not waxed; and all upper leather, and French kid, fifteen per cent. *ad valorem*	15 p. ct.
Leather as above, dressed and waxed, twenty per cent. *ad valorem*	20 p. ct.
Japanned, patent or enamelled leather, twenty per cent. *ad valorem*	20 p. ct.
All other leather and skins tanned, not elsewhere specified, twenty per cent. *ad valorem*	20 p. ct.
Boots and shoes and other manufactures of leather, including gloves and mitts, and leather belting, twenty-five per cent. *ad valorem*	25 p. ct.
Lithographic stones, not engraved, twenty per cent. *ad valorem*	20 p. ct.
Malt, two cents per pound	2 c. p. lb.
Machine card clothing, twenty-five per cent. *ad valorem*	25 p. ct.
Marble, in blocks from the quarry, in the rough, or sawn on two sides only and not specially shapen, containing fifteen cubic feet or over, ten per cent. *ad valorem*	10 p. ct.
Marble slabs, sawn on not more than two sides, fifteen per cent. *ad valorem*	15 p. ct.
Marble blocks and slabs, sawn on more than two sides, twenty per cent. *ad valorem*	20 p. ct.
Finished marble, and all manufactures of marble not elsewhere specified, twenty-five per cent. *ad valorem*	25 p. ct.
Meats, fresh or salted, on actual weight as received in Canada, except shoulders, sides, bacon and hams, one cent. per pound	1c. p. lb.
Shoulders, sides, bacon and hams, fresh, salted, dried or smoked, two cents per pound	2 c. p. lb.
All other dried or smoked meats, or meats preserved in any other way than salted or pickled, not otherwise specified, two cents per pound	2 c. p. lb.
Mustard seed, unground, fifteen per cent. *ad valorem*	15 p. ct.
Mustard, ground, twenty-five per cent. *ad valorem*	25 p. ct.
Nuts of all kinds, except cocoa-nuts, twenty per cent. *ad valorem*	20 p. ct.
Ochres, dry, ground or unground, washed or unwashed, not calcined, ten per cent. *ad valorem*	10 p. ct.
Oils, coal and kerosene, distilled, purified or refined; naphtha, benzole and petroleum; products of petroleum, coal, shale and lignite, not elsewhere specified, seven cents and one-fifth of a cent per gallon	7⅕c. p. I. g.
Carbolic or heavy oil used in making wooden block pavements, for treating wood for building and for railway ties, ten per cent. *ad valorem*	10 p. ct.
Cod liver, medicated, twenty per cent. *ad valorem*	20 p. ct.
Lard, twenty per cent. *ad valorem*	20 p. ct.
Linseed or flaxseed, raw or boiled, twenty-five per cent *ad valorem*	25 p. ct.
Neatsfoot, twenty per cent *ad valorem*	20 p. ct.
Olive or salad, twenty per cent. *ad valorem*	20 p. ct.
Sesame seed, twenty per cent. *ad valorem*	20 p. ct.
Sperm, twenty per cent. *ad valorem*	20 p. ct.

Oil-cloth for floors, stamped, painted or printed, thirty per cent. *ad valorem*	30 p. ct.
Opium (drug), twenty per cent. *ad valorem*	20 p. ct.
Opium, prepared for smoking, five dollars per pound	$5 p. lb.
Organs, Cabinet viz :—On reed organs having not more than two sets of reeds, a specific duty of ten dollars each; having over two and not over four sets of reeds, fifteen dollars each; having over four and not over six sets of reeds, twenty dollars each; having over six sets of reeds, thirty dollars each; and in addition thereto, ten per centum *ad valorem* on the fair market value thereof	$10 $15 $20 $30 & 10 p. ct.
Pipe organs, and sets or parts of sets of reeds for cabinet organs, twenty-five per cent. *ad valorem*	25 p ct.
Paintings, drawings, engravings and prints, twenty per cent. *ad valorem*	20 p. ct.
Paints and colors, ground in oil or any other liquid, twenty-five per cent. *ad valorem*	25 p. ct.
Paints and colors not elsewhere specified, twenty per cent. *ad valorem*	20 p. ct.
White and red lead, dry, also dry white zinc and bismuth, five per cent. *ad valorem*	5 p. ct.
Paper-hangings or wall-paper, thirty per cent. *ad valorem*	30 p. ct.
Paper, calendered, twenty-two and one-half per cent. *ad valorem*	22½ p. ct.
Paper, of all kinds not elsewhere specified, twenty per cent. *ad valorem*	20 p. ct.
Envelopes and all manufactures of paper not otherwise specified, twenty-five per cent. *ad valorem*	25 p. ct.
Paper, union collar cloth, in sheets, not shapen, ten per cent. *ad valorem*	10 p. ct.
Mill board, not straw board, ten per cent. *ad valorem*	10 p. ct.
Paper collars, cuffs and shirt fronts, twenty-five per cent. *ad valorem*	25 p. ct.
Pencils, lead, in wood or otherwise, twenty-five per cent. *ad valorem*	25 p. ct.
PERFUMERY, INCLUDING TOILET PREPARATIONS, VIZ.:	
Hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations used for the hair, mouth or skin, thirty per cent. *ad valorem*	30 p. ct.
Phosphor bronze, in blocks, bars, sheets and wire, ten per cent. *ad valorem*	10 p. ct.
PIANOFORTES, VIZ.:	
All square pianofortes, whether round-cornered or not, not over seven octaves, twenty-five dollars each; on all other square pianofortes, thirty dollars each; on upright piano-fortes, thirty dollars each; on concert, semi-concert or parlor grand pianofortes, fifty dollars each; and in addition thereto ten per cent. *ad valorem*	$25 $30 $30 $50 & 10 p. ct.
Parts of pianos, twenty-five per cent. *ad valorem*	25 p. ct.
Pitch, (coal) and coal tar, ten per cent. *ad valorem*	10 p. ct.
Plants, viz.: Fruit, shade, lawn and ornamental trees, shrubs and plants, twenty per cent. *ad valorem*	20 p. ct.
Plaster of Paris, or gypsum, ground, twenty per cent. *ad valorem*	20 p. ct.

Plaster of Paris, calcined or manufactured, 15 cents per 100 pounds, or 45 cents per barrel of not over 300 pounds	15c.p.100 lb
Plated-ware, electro-plated and gilt of all kinds, thirty per cent. *ad valorem*	30 p. ct.
Plates engraved on wood, and on steel or other metal, twenty per cent. *ad valorem*	20 p. ct.
Playing cards, thirty per cent. *ad valorem*	30 p. ct.
Plumbago, ten per cent. *ad valorem;* and all manufactures of plumbago, not elsewhere specified, twenty per cent. *ad valorem*	10 p. ct. 20 p. ct.
Pomades, French, or flower odors preserved in fat or oil for the purpose of conserving the odors of flowers which do not bear the heat of distillation, when imported in tins of not less than ten pounds each, fifteen per cent. *ad valorem*	15 p. ct.
Printing-presses of all kinds, fifteen per cent. *ad valorem*	15 p. ct.
Proprietary medicines, commonly called patent medicines, or any medicine or preparation of which the recipe is kept secret, or the ingredients whereof are kept secret, recommended by advertisement, bill or label, for the relief of any disorder or ailment; in liquid form, fifty per cent. *ad valorem*; and all other, twenty-five per cent. *ad valorem*	50 p. ct. 25 p. ct.
Prunella, and cotton and woollen netting, for boots, shoes and gloves, ten per cent. *ad valorem*	10 p. ct.
Pumice stone, ground or powdered, twenty per cent. *ad valorem*	20 p. ct.
Putty, twenty-five per cent. *ad valorem*	25 p. ct.
Quills, twenty per cent. *ad valorem*	20 p. ct.
Quinine, sulphate of, twenty per cent. *ad valorem*	20 p. ct.
Sails for boats and ships, also tents and awnings, twenty-five per cent. *ad valorem*	25 p. ct.
Salt (except salt imported from the United Kingdom, or any British possession, or imported for the use of the sea or gulf fisheries, which shall be free of duty), in bulk, eight cents per one hundred pounds	8 c. pr. 100 lbs.
In bags, barrels and other packages, twelve cents per one hundred pounds	12c. pr. 100 lbs.
Saltpetre, twenty per cent. *ad valorem*	20 pr. ct.
Sand paper, glass and emery paper, twenty per cent. *ad valorem*	20 p. ct.
Seeds, viz.: flower, garden, field and other seeds, for agricultural purposes, when in bulk or in large parcels, fifteen per cent. *ad valorem*; when put up in small papers or parcels, twenty-five per cent. *ad valorem*	15 p. ct. 25 p. ct.
Seed, mustard, unground, fifteen per cent. *ad valorem;* ground, twenty-five per cent. *ad valorem*	15 p.ct. & 25 p. ct.
Shingles, twenty per cent. *ad valorem*	20 p. ct.
Ships and other vessels, built in any foreign country, whether steam or sailing vessels, on application for Canadian register, on the fair market value of the hull, rigging, machinery and all appurtenances, ten per cent. *ad valorem*	10 p. ct.
Silk in the gum, not more advanced than singles, tram, and thrown organzine, fifteen per cent. *ad valorem*	15 p. ct.
Sewing silk and silk twist, twenty-five per cent. *ad valorem*	25 p. ct.

Silk velvets and all manufactures of silk, or of which silk is the component part of chief value, not elsewhere specified, except church vestments, thirty per cent. *ad valorem*	30 p. ct.
Silver, rolled, and german silver, in sheets, ten per cent. *ad valorem*	10 p. ct.
Slate for roofing, twenty per cent. *ad valorem*	20 p. ct.
Slate slabs, square or in special shapes, twenty per cent. *ad valorem*	20 p. ct.
Slate mantels, thirty per cent. *ad valorem*	30 p. ct.
School and writing slates, twenty-five per cent. *ad valorem*	25 p. ct.
Soap, common brown and yellow, not perfumed, one cent per pound	1 c. p. lb.
Soap, castile and white, two cents per pound	2 c. p. lb.
Soap, perfumed or toilet, thirty per cent. *ad valorem*	30 p. ct.
Spelter, in blocks or pigs, ten per cent. *ad valorem*	10 p. ct.
Spices, viz.: ginger and spices of all kinds (except nutmegs and mace), unground, twenty per cent. *ad valorem*	20 p. ct.
ground, twenty-five per cent. *ad valorem*	25 p. ct.
Nutmegs and mace, twenty-five per cent. *ad valorem*	25 p. ct.
Starch, including farina, corn starch or flour, and all preparations having the qualities of starch, two cents per pound	2 c. p. lb.
Spirits and strong waters not having been sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes' hydrometer, for every Imperial gallon of the strength of proof by such hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for every greater or less quantity than a gallon, viz: Geneva gin, rum, whiskey, and unenumerated articles of like kinds, one dollar and thirty-two and one-half cents per Imperial gallon; brandy, one dollar and forty-five cents per Imperial gallon	$1.32½ per Imp. gal. 1.45 p. I. gal.
"Old Tom" gin, one dollar and thirty-two and one-half cents per Imperial gallon in bulk	1.32½ p. I. gal
Spirits sweetened or mixed so that the degree of strength cannot be ascertained as aforesaid, viz: Rum-shrub, cordials, schiedam, schnapps, tafia, bitters and unenumerated articles of like kinds, one dollar and ninety cents per Imperial gallon	1.90 p. I. gal
Spirits and strong waters not elsewhere specified, one dollar and ninety cents per Imperial gallon	1.90 p. I. gal
Spirits and strong waters imported into Canada, mixed with any ingredient or ingredients, and although thereby coming under the denomination of proprietary medicines, tinctures, essences, extracts or any other denomination not elsewhere specified, shall be, nevertheless, deemed spirits or strong waters, and subject to duty as such; one dollar and ninety cents per Imperial gallon	1.90 p. I. gal
Cologne water and perfumed spirits in bottles or flasks not weighing more than four ounces each, forty per cent. *ad valorem*	40 p. ct.
Cologne water and perfumed spirits in bottles, flasks or other packages weighing more than four ounces each, one dollar and ninety cents per Imperial gallon and thirty per cent. *ad valorem*	$1.90 p. I. g and 30 p. ct.
Wines of all kinds except sparkling wines, including ginger, orange, lemon, strawberry, raspberry, elder and currant wines, containing twenty-six per cent. or less of spirits of the strength of proof by Sykes'	25c. p. I. g.

hydrometer, imported in wood or in bottles (six quart or twelve pint-bottles to be held to contain an Imperial gallon), twenty-five cents per Imperial gallon, and for each degree of strength in excess of twenty-six per cent. of spirits as aforesaid, an additional duty of three cents until the strength reaches forty per cent. of proof spirits; and in addition thereto, thirty per cent. *ad valorem*.	& 3c. p.I. g. for each degree from 26 up to 40, and 30 p. ct. *ad val.*
Champagne and all other sparkling wines in bottles containing each not more than a quart and more than one pint, three dollars per dozen bottles; containing not more than a pint each and more than one-half pint, one dollar and fifty cents per dozen bottles; containing one-half pint each or less, seventy-five cents per dozen bottles; bottles containing more than one quart each shall pay in addition to three dollars per dozen bottles at the rate of one dollar and fifty cents per Imperial gallon on the quantity in excess of one quart per bottle; in addition to the above specific duty there shall be an *ad valorem* duty of thirty per cent.	$3 p. doz. $1.50 p. doz 75 c. p. doz. $1.50 per I.g. for all over one qt. p. bt'l. 30 p. ct
But any liquors imported under the name of wine, and containing more than forty per cent. of spirits of the strength of proof by Sykes' hydrometer shall be rated for duty as unenumerated spirits.	
Stationery of all kinds not elsewhere specified, twenty per cent. *ad valorem*	20 p. ct.
Steel and manufactures of, viz.: On and after the first day of January, 1881, steel in ingots, bars, sheets and coils, and railway bars or rails and fish plates, ten per cent. *ad valorem*	10 p. ct.
Shovels, spades, hoes; hay, manure and potato forks; rakes and rake teeth; carpenters', coopers', cabinet-makers', and all other mechanics' tools, including files, edge tools of every description, axes, scythes, and saws of all kinds, thirty per cent. *ad valorem*.	30 p. ct.
Firearms, viz: Muskets, rifles, pistols and shot guns; cutlery, and all manufactures of steel, and of iron and steel, not elsewhere specified, twenty per cent. *ad valorem*	20 p. ct.
Knife blades or knife blanks, in the rough, unhandled, for use by electro-platers, ten per cent. *ad valorem*	10 p. ct.
Stereotypes and electrotypes of standard books, ten per cent. *ad valorem*	10 p. ct.
Stereotypes and electrotypes for commercial blanks and advertisements, twenty per cent. *ad valorem*	20 p. ct.
Stone, viz: rough freestone, sandstone, and all other building stone, except marble, one dollar per ton of thirteen cubic feet	$1 per ton.
Water limestone or cement stone, one dollar per ton. (*See* cement)	$1 per ton.
Grindstone, in the rough, one dollar and fifty cents per ton	$1.50 p. tn.
Dressed freestone and all other building stone, except marble, and all manufactures of stone or granite, twenty per cent. *ad valorem*	20 p. ct.

SUGARS, SYRUPS AND MOLASSES:—

Sugar above number fourteen Dutch standard, in color, one cent per pound and thirty-five per cent. *ad valorem*	1 c. p. lb. & 35 p.ct.

SUGARS, SYRUPS AND MOLASSES:—*Continued.*

Sugar equal to number nine and not above number fourteen Dutch standard, three-fourths of a cent per pound and thirty per cent. *ad valorem*.	¾ c. p.lb. & 30 p.ct.
Sugar below number nine Dutch standard, half-a-cent per pound and thirty per cent. *ad valorem*.....	½ c. p.lb. & 30 p.ct.

Provided, that the *ad valorem* duty shall be levied and collected on sugar and melado when imported direct from the country of growth and production, upon the fair market value thereof at the place of purchase, without any addition for the cost of hogsheads or other packages, or other charges and expenses prior to shipment, anything contained in section 34 of the Act 40 Victoria, chapter 10, to the contrary notwithstanding; the said section nevertheless remaining in force as to regulations to be made under it, in cases where the sugar or melado is not imported direct from the country of growth or production.

Syrups, cane juice, refined syrup, sugar-house syrup, syrup of sugar, syrup of molasses or sorghum, five-eighths of a cent per pound, and thirty per cent. *ad valorem*	⅝ c. p. lb. and 30 p. ct.
Melado, concentrated melado, concentrated cane-juice, concentrated molasses, concentrated beet-root juice, and concrete, three-eighths of one cent per pound and thirty per cent. *ad valorem*..... ..	⅜ c. p. lb. and 30 p. ct.
Molasses, if used for refining, clarifying or rectifying purposes or for the manufacture of sugar, when imported direct from the country of growth and production, twenty-five per cent. *ad valorem*	25 p. ct.
And for the same purposes when not imported direct from the country of growth and production thirty per cent. *ad valorem*.....	30 p. ct.
Molasses when not so used, when imported direct from the country of growth and production, fifteen per cent. *ad valorem*.....	15 p. ct.
And when not imported direct from the country of growth and production twenty per cent. *ad valorem*.	20 p. ct.
Sugar candy, brown or white, and confectionery, one cent per pound and thirty-five per cent. *ad valorem*.....	1 c. p. lb. & 35 p. ct.
Glucose or grape sugar, to be classed and rated for duty as sugar according to grade by Dutch standard in color.	
Glucose syrup, half of one cent per pound and thirty-five per cent. *ad valorem*	½ c. p. lb & 35 p. ct
Tallow, one cent per pound.....	1 c. p. lb.
Tea, viz, Black tea two cents per pound and ten per cent. *ad valorem*	2 c. p. lb. & 10 p. ct.
Green and Japan tea three cents per pound and ten per cent. *ad valorem*	3 c. p. lb. & 10 p. ct.
Tin in blocks, pigs, bars, plates and sheets, ten per cent. *ad valorem*.....	10 p. ct.
Tinware, stamped and japanned ware, and all manufactures of tin not elsewhere specified, twenty-five per cent. *ad valorem*	25 p. ct

TOBACCO:—

Manufactured tobacco and snuff, twenty-five cents per pound and in addition thereto twelve and a-half per cent. *ad valorem*	25 c. p. lb. and 12½ p. ct.
Cigars and cigarettes, fifty cents per pound and twenty per cent. *ad valorem*.....	50 c. p. lb. & 20 p. ct.

Turpentine, spirits of, twenty per cent. *ad valorem*.....	20 p. ct.
Trunks, satchels, valises, and carpet-bags, twenty-five per cent. *ad valorem*.....	25 p. ct.
Twines, manufactured of flax and not otherwise specified, twenty-five per cent. *ad valorem*.....	25 p. ct.
Type for printing, twenty per cent. *ad valorem*.....	20 p. ct.
Type metal, ten per cent. *ad valorem*.....	10 p. ct.
Varnish not elsewhere specified, twenty cents per Imperial gallon and twenty per cent. *ad valorem*.....	20c. p. I. g. & 20 p. ct.
Vegetables, viz.: Potatoes, ten cents per bushel.....	10c. p. bsh.
Tomatoes, thirty cents per bushel.....	30c. p. bsh.
And all other vegetables twenty per cent. *ad valorem*	20 p. ct.
Vinegar, twelve cents per Imperial gallon.....	12 c. p. I. g.
Watches, watch movements and watch cases, twenty per cent. *ad valorem*.....	20 p. ct.
Wire of brass and copper, ten per cent. *ad valorem*.....	10 p. ct.
Wire-cloth of brass and copper, twenty per cent. *ad valorem*.....	20 p. ct.
Wood and manufactures of, and wooden ware, viz:—	
Pails, tubs, churns, brooms, brushes and other manufactures of wood not elsewhere specified, twenty-five per cent. *ad valorem*.....	25 p. ct.
Hubs, spokes, felloes, and parts of wheels, rough-hewn or sawn only, twenty per cent. *ad valorem*.....	20 p. ct.
Lumber and timber, not elsewhere specified, twenty per cent. *ad valorem*.....	20 p. ct.
WOOL AND WOOLLENS, VIZ.:	
Manufactures composed wholly or in part, of wool, worsted, the hair of the alpaca goat, or other like animals, viz:—Shawls, blankets, and flannels of every description; cloths, doeskins, cassimeres, tweeds, coatings, over coatings, cloakings, felt cloth of every description, not elsewhere specified; horse-collar cloth; yarn, knitting yarn, fingering yarn, worsted yarn under number 30; knitted goods, viz.:—Shirts, drawers and hosiery of every description; seven and a-half cents per pound, and in addition thereto twenty per cent. *ad valorem*.....	7½ c. p. lb. & 20 p. ct.
Clothing ready-made, and wearing apparel of every description, including cloth caps, composed wholly or in part of wool, worsted, the hair of the Alpaca goat or other like animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods, ten cents per pound, and in addition thereto twenty-five per cent. *ad valorem*.	10 c. p. lb. & 25 p. ct.
All manufactures composed wholly or in part of wool, worsted, the hair of the alpaca goat, or other like animals, not herein otherwise provided for, twenty per cent. *ad valorem*.....	20 pr. ct.
Treble ingrain, three-ply and two-ply carpets composed wholly of wool, ten cents per square yard; and in addition thereto, twenty per cent. *ad valorem*	10 c. p. sq. yd. & 20 p. ct.
Two-ply and three-ply ingrain carpets, of which the warp is composed wholly of cotton, or other material than wool, worsted, the hair of the alpaca goat or other like animals, five cents per square yard, and in addition thereto twenty per cent. *ad valorem*.....	5 c. p. sq. yd. & 20 p. ct.
Felt for boots and shoes, when imported by the manufacturers for use in their factories, fifteen per cent. *ad valorem*.....	15 p. ct.

WOOL AND WOOLENS.—*Continued.*

Felt for glove linings and endless felt for paper makers, when imported by the manufacturers for use in their factories, ten per cent. *ad valorem*.....	10 p. ct.
Whips, twenty-five per cent. *ad valorem*.....	25 p. ct.
Wire, of brass and copper, ten per cent. *ad valorem*.....	10 p. ct.
Wire cloth, of brass and copper, twenty per cent. *ad valorem*.....	20 p. ct.
Zinc, in pigs, blocks and sheets, ten per cent. *ad valorem*	10 p. ct.
Seamless drawn tubing, ten per cent. *ad valorem*.....	10 p. ct.
Manufactures of zinc not elsewhere specified, twenty-five per cent. *ad valorem*.....	25 p. ct.

All goods not enumerated in this Act as charged with any duty of Customs and not declared free of duty by this Act shall be charged with a duty of twenty per cent. *ad valorem*, when imported into Canada, or taken out of warehouse for consumption therein.

SCHEDULE B.

FREE GOODS.

Agaric,
Agates, unmanufactured,
Alkanet root,
Aloes,
Aluminum,
Alum,
Ambergris,
Ammonia, crude,
Aniline dyes,
Aniline oil, crude,
Aniline salts,
Animals brought into Canada temporarily, and for a period not exceeding three months, for the purpose of exhibition or competition for prizes offered by any agricultural or other association. But a bond shall be first given in accordance with regulations to be prescribed by the Minister of Customs, with the condition that the full duty to which such animals would otherwise be liable shall be paid in case of their sale in Canada, or if not re-exported within the time specified in such bond.
Animals for the improvement of stock under regulations to be made by the Treasury Board and approved by the Governor in Council
Annato, liquid or solid,
Annato, seed,
Anchors,
Antimony,
Ashes, pot, pearl and soda,
Apparel, wearing and other personal and household effects, not merchandize, of British subjects dying abroad, but domiciled in Canada.
Argol, dust,
Argols, crude,
Arsenic,
Arseniate of aniline,
Articles for the use of the Governor-General,
Articles for the use of foreign Consuls General,
Articles imported by and for the use of the Dominion Government, or any of the Departments thereof, or for the Senate or House of Commons,

Army and Navy and Canadian Militia, for the use of, viz :—
Arms,
Clothing,
Musical instruments for bands,
Military stores and munitions of war,

Bamboo reeds, not further manufactured than cut into suitable lengths for walking sticks or canes, or for sticks for umbrellas, parasols or sunshades,
Bamboos unmanufactured,
Barrels of Canadian manufacture exported filled with domestic petroleum and returned empty, under such regulations as the Minister of Customs may prescribe,
Barilla,
Barytes, unmanufactured,
Bells for churches,
Berries for dyeing or used for composing dyes,
Bolting cloths,
Bones, crude and not manufactured, burned, calcined, ground or steamed,
Bone-dust and bone-ash for manufacture of phosphates and fertilizers,
Borax,
Botany, specimens of,
Bristles,
Brimstone, crude, or in roll or flour,
Brim moulds for gold beaters,
Bromine,
Broom corn,
Buchu leaves,
Bullion, gold and silver,
Burgundy pitch,
Burr stones in blocks, rough or unmanufactured, and not bound up into millstones,

Carriages of travellers and carriages laden with merchandize, and not to include circus troops nor hawkers, under regulations to be prescribed by the Minister of Customs,
Cabinets of coins, medals and other collections of antiquities,
Casts, as models for the use of schools of design,
Cornelian, unmanufactured,
Canvas for manufacture of floor oil-cloth, not less than forty-five inches wide and not pressed nor calendered,
Caoutchouc, unmanufactured,
Cat-gut strings or gut cord for musical instruments,
Cat-gut or whip-gut, unmanufactured,
Chalk and cliff stone, unmanufactured,
Chamomile flowers,
Chloride of lime,
Citrons and rinds of, in brine for candying,
Clays
Clothing, donations of, for charitable purposes,
Cobalt, ore of,
Cochineal,
Cocoa, bean, shell and nibs,
Coins, gold and silver, except United States silver coin,
Communion plate, and plated ware for use in churches,
Coir and coir yarn,
Colcothar, dry oxide of iron,
Conium cicuta, or hemlock seed and leaf,
Cotton waste and cotton wool,
Cork wood or cork bark, unmanufactured,

Colors, viz.:—Bichromate of potash, blue black, Chinese blue, coutille, lakes, scarlet and marone in pulp, Paris green, Prussian blue, satin and fine-washed white, ultra-marine, umber raw,
Cream of tartar, in crystals,

Diamonds, unset, including black diamonds for borers,
Diamond dust or bort,
Dragons' blood,
Duck for belting and hose,
Dyeing or tanning articles in a crude state, used in dyeing or tanning, not elsewhere specified,

Eggs,
Emery,
Entomology, specimens of,
Esparto, or Spanish grass, and other grasses, and pulp of, for the manufacture of paper,
Extract of logwood,

Felt, adhesive, for sheathing vessels,
Fire clay,
Fibre, Mexican,
Fibre, vegetable, for manufacturing purposes,
Fibrilla,
Fish bait,
Fish oil, and fish of all kinds, the produce of the fisheries of the United States (except fish of the inland lakes and of the rivers falling into them, and fish preserved in oil),
Fish-hooks, nets and seines, and lines and twines, for the use of the fisheries, but not to include sporting fishing-tackle or hooks with flies or trawling spoons,
Fur skins, of all kinds not dressed in any manner,
Flint, flints, and ground flint stones,
Folia digitalis,
Fossils,
Fuller's earth,

Gentian root,
Ginseng root,
Gold-beaters' moulds and gold-beaters' skins,
Grease and grease scrap, for manufacture of soap,
Gravels,
Guano and other animal and vegetable manures,
Gums, amber, Arabic, Australian, British, copal, damar, mastic, sandarac, shellac and tragacanth,
Gunny cloth and gunny bags,
Gut, and worm gut, manufactured or unmanufactured, for whip and other cord,
Gutta percha, crude,
Gypsum, crude (sulphate of lime),

Hair, angola, buffalo and bison, camels, goat, hog, horse and human, cleaned or uncleaned, but not curled or otherwise manufactured.
Hatters' furs, not on the skin,
Hemlock bark,
Hemp, undressed,
Hides, raw, whether dry, salted or pickled,
Hoofs, horns and horn tips,
Hyoscyamus, or henbane leaf,

Ice,
India-rubber, unmanufactured,
Indian hemp, (crude drug,)

Indigo,
Iris, orris root,
Istle or tampico fibre,
Ivory and ivory nuts, unmanufactured,
Ivory veneers, sawn only, not planed nor polished,
Iron masts for ships, or parts of,

Jalap, root,
Junk, old,
Jute-butts,
Jute,

Kelp,
Kryolite,

Lac—dye, crude, seed, button, stick and shell,
Lava, unmanufactured,
Leeches,
Licorice root,
Litharge,
Litmus and all lichens, prepared and not prepared,
Lemons and rinds of, in brine, for candying,
Logs, and round unmanufactured timber, not elsewhere provided for,
Lumber and timber, plank and boards, sawn, of boxwood, cherry, walnut, chestnut, mahogany, pitch pine, rosewood, sandalwood, Spanish cedar, oak, hickory and whitewood, not shaped, planed or otherwise manufactured,
Locomotives and railway passenger, baggage and freight cars, being the property of railway companies in the United States, running upon any line of road crossing the frontier, so long as Canadian locomotives and cars are admitted free under similar circumstances in the United States, under regulations to be prescribed by the Minister of Customs.

Madder and munjeet, or Indian madder, ground or prepared, and all extracts of,
Manilla grass,
Medals of gold, silver or copper
Meerschaum, crude or raw,
Mineralogy, specimens of,
Models of inventions and other improvements in the arts, but no article or articles shall be deemed a model or improvement which can be fitted for use,
Moss, Iceland and other mosses, crude,
Moss, seaweed, and all other vegetable substances used for beds and mattrasses, in their natural state, or only cleaned,
Menageries—horses, cattle, carriages, and harnesses of, under regulations to be prescribed by the Minister of Customs,
Machinery for worsted or cotton mills, of kinds which are not manufactured in Canada,

Nitrate of soda, or cubic nitre,
Nut galls,
Newspapers received by mail,
Nickel,

Oak bark,
Oakum,
Oil cake, cotton seed cake, palm nut cake and meal
Oils, cocoanut and palm, in their natural state,
Oranges and rinds of, in brine, for candying,
Ores of metals of all kinds

Osiers,
Oxalic acid,

Paintings, in oil, by artists of well-known merit, or copies of the old masters by such artists,
Palm leaf, unmanufactured,
Pearl, mother of, not manufactured,
Persis, or extract of archill and cudbear,
Philosophical instruments and apparatus, including globes and pictorial illustrations of insects, etc., when imported by and for the use of colleges and schools, scientific and literary societies,
Phosphorus,
Pelts,
Pipe clay,
Pitch (pine),
Pumice and pumice stone,
Plaits, straw, Tuscan and grass,
Precipitate of copper, crude,

Rags, of cotton, linen, jute and hemp, paper waste or clippings and waste of any kind, fit only for manufacture of paper,
Rattans and reeds unmanufactured,
Rennet, raw or prepared,
Resin,
Rhubarb root,

Salt, imported from the United Kingdom or any British possession or imported for the use of the sea or gulf fisheries,
Saffron and safflower, and extract of,
Saffron cake,
Sal ammoniac,
Sal soda,
Sand,
Sea-weed, not elsewhere specified,
Sea-grass,
Senna, in leaves,
Silex or crystalized quartz,
Silk, raw or as reeled from the cocoon, not being doubled, twisted or advanced in manufacture in any way, silk cocoons and silk waste,
Skins, undressed, dried, salted or pickled,
Soda ash,
Soda, caustic,
Soda, silicate of,
Settlers' effects, viz.: Wearing apparel, household furniture, professional books, implements and tools of trade, occupation or employment, which the settler has had in actual use for at least six months before removal to Canada, not to include machinery, or live stock, or articles imported for use in any manufacturing establishment, or for sale; provided that any dutiable article entered as settlers' effects shall not be sold or otherwise disposed of without payment of duty, until after two years actual use in Canada.
Until the first day of January, 1881, steel in ingots, bars, sheets and coils, railway bars or rails and fish-plates, shall be free of duty.
Sulphur, in roll or flour,

Tails, undressed,
Tampico, white and black,
Tanners' bark,
Tar (pine),
Terra Japonica,

Teasels,
Tobacco, unmanufactured, for excise purposes, under conditions of Act 31 Vic., cap. 51,
Tortoise and other shells, unmanufactured,
Travellers' baggage, under regulations to be prescribed by the Minister of Customs,
Turmeric,
Turpentine, raw or crude,
Turtles,
Tree-nails,

Varnish, black and bright, for ships' use,
Vitriol, blue,
Veneers of wood and ivory, sawn only,
Verdigris, or sub-acetate of copper, dry,
Vegetable fibres, natural, not produced by any mechanical process.

Whiting or whitening,
Whalebone, unmanufactured,
Whale-oil, in casks from on shipboard, and in the condition. in which it was first landed,
Willow for basket-makers,
Wire rigging for ships and vessels.
Wool unmanufactured, hair of the alpaca goat and other like animals.
Yellow metal, in bolts, bars, and for sheathing.

SCHEDULE C.

GOODS FREE IN THE CASES THEREIN MENTIONED.

The following articles when the natural products, or the manufactures of the colony of Newfoundland, viz:—

Fish, fresh, dried, salted or smoked,
Fish-oil and all products of fish,
Seal-oil,
Animals of all kinds.

SCHEDULE D.

The following articles shall be prohibited to be imported under a penalty of two hundred dollars, together with the forfeiture of the parcel or package of goods in which the same may be found, viz.:—

Books, printed papers, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious, or of an immoral or indecent character.
Coin, base or counterfeit.

No. 93.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to alter the duties of Customs and Excise.

Received and read first time, Thursday, 24th April, 1879.

Second reading, Friday, 25th April, 1879.

Mr. TILLEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1879.

No. 94.] **BILL.** [1879.

An Act to amend "The Indian Act, 1876."

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

1. Paragraph (*e*) of sub-section three, of section three of the *Indian Act* 1876, is hereby amended by adding at the end thereof the words "And any half-breed who may have been admitted into a Treaty shall be allowed to withdraw therefrom on refunding all annuity money received by him or her under the said Treaty." Sect. 3 of 39 V. c. 18, sub-section 3 amended.

2. Section sixteen of the Act aforesaid is hereby repealed, and the following section substituted in lieu thereof: Section 16 repealed.

"**16.** If any person or Indian, other than an Indian of the Band to which the Reserve belongs, without the license in writing of the Superintendent-General, or of some officer or person deputed by him for that purpose, trespasses upon any of the said land, roads, or allowances for roads in the said reserve, by cutting, carrying away, or removing therefrom any of the trees, saplings, shrubs, underwood, timber, or hay thereon, or by removing any of the stone, soil, minerals, metals, or other valuables, off the said land, roads, or allowances for roads, the person or Indian so trespassing shall, *on conviction thereof before any Stipendiary Magistrate, Police Magistrate or Justice of the Peace*, for every tree he cuts, carries away, or removes, forfeit and pay the sum of *twenty dollars;* and for cutting, carrying away, or removing any of the saplings, shrubs, underwood, timber or hay, if under the value of one dollar, the sum of *four dollars;* but if over the value of one dollar, then the sum of *twenty dollars;* and for removing any of the stone, soil, minerals, metals, or other valuables aforesaid, the sum of *twenty dollars, with costs of prosecution in all cases; and in default of immediate payment of the said penalties and costs, the Superintendent-General, or such other person as he may have authorized in that behalf, may issue a warrant, directed to any person or persons by him named therein, to levy the amount of the said penalties and costs* by distress and sale of the goods and chattels of the person liable to pay the same, *and similar proceedings may be had upon such warrant as if it had been issued by the Magistrate or* New section substituted. Punishment of persons trespassing on Indian Reserves.

Note.—The words in italics (except the amount of the penalties) are not in the Act amended. The words in Roman letters are in the present Act.

Justice of the Peace before whom the person was convicted, or the Superintendent-General, or such other person as aforesaid, without proceeding by distress or sale, may, upon non-payment of the said penalties and costs, order the person liable therefor to be imprisoned in the common gaol of the County or District in which the said Reserve or any part thereof lies, for a period not exceeding thirty days when the penalty does not exceed twenty dollars, or for a period not exceeding three months when the penalty does exceed twenty dollars; and upon the return of any warrant for distress or sale, if the amount thereof has not been made, or if any part of it remains unpaid, the said Superintendent-General, or such other person as aforesaid, may commit the person in default, to the common gaol, as aforesaid, for a period not exceeding thirty days, if the sum claimed upon the said warrant does not exceed twenty dollars, or for a time not exceeding three months if the sum does exceed twenty dollars. All such penalties shall be paid to the Receiver-General to be disposed for the use and benefit of the Band of Indians for whose benefit the Reserve is held, in such manner as the Governor in Council may direct."

Section 17 amended.

3. Section seventeen of the said Act is hereby amended by adding thereto the words "And similar proceedings may be had for the recovery thereof as are provided for in the next preceding section."

Section 63 amended.

4. Section sixty-three of the said Act is hereby amended by adding to the fourth subsection thereof the words "also for the protection of sheep,"

And by substituting for the words "maintenance of" in the fifth subsection thereof, the words "construction and maintenance of water courses,"

And by adding to the said section the two following subsections:

"8. The repression of noxious weeds:"

"9. The imposition of punishment, by fine or penalty, or "by imprisonment or both, for infraction of any of such "rules or regulations; the fine or penalty in no case to ex- "ceed thirty dollars, and the imprisonment in no case to "exceed thirty days."

Section 69 amended.

Additional provisions as to presents to Indians.

5. Section sixty-nine of the said Act is hereby amended by striking out the words "or otherwise, howsoever," in the fourth line thereof, and by adding at the end of said section the words "If any presents given to Indians or non-treaty Indians, or any property purchased or acquired with or by means of any annuities granted to Indians be unlawfully in the possession of any person, within the true intent and meaning of this section, any person acting under the authority (either general or special) of the Superintendent-General, may, with such assistance in that behalf as he may think necessary, seize and take possession of the same, and he shall deal therewith as the Superintendent-General may direct."

6. Section eighty-seven is hereby amended by adding thereto the words "And in such cases compliance with the provisions of sections twenty-five and twenty-six and the sub-sections thereof shall not be necessary." Section 87 amended.

7. If any person, being the keeper of any bawdy-house, dance-house, gaming-house or other disorderly house, allows or suffers any Indian woman to be or remain in any such house, knowing, or having probable cause for believing, that such Indian woman is in or remains in such house with the intention of prostituting herself therein, such person shall be deemed guilty of an offence against this Act, and shall, on conviction thereof, in a summary way, before any Stipendiary Magistrate, Police Magistrate or Justice of the Peace, be liable to a fine of not less than dollars, or more than dollars, or to imprisonment in any gaol or place of confinement other than a penitentiary, for a term not exceeding months. Penalties on keepers of public houses committing certain offences. How enforced

8. Any person who appears, acts or behaves as master or mistress, or as the person having the care, government or management of any such bawdy-house, dance-house, gaming-house or other disorderly house, shall be deemed and taken to be the keeper thereof, notwithstanding he or she may not in fact be the real keeper thereof. Who shall be deemed master or mistress of such house.

No 94.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend "*The Indian Act*," 1876."

Received and read first time, Friday, 25th April, 1879.

Second reading, Monday, 28th April, 1879.

Sir JOHN A. MACDONALD

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 95. **BILL.** [1879.

An Act to reduce the salaries and allowances of certain public functionaries and officers, and the indemnity to members of the Senate and House of Commons.

Preamble.

WHEREAS it is expedient in the interest of the public to reduce the salaries and allowances of the several public functionaries, and the indemnity to 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:—

Inconsistent enactments repealed.

1. So much of any Act of the Parliament of Canada, including any Act of the present session thereof, as fixes the salary and allowances of any public functionary or officer hereinafter mentioned otherwise than the same is or are fixed by this Act, or as may be in anywise inconsistent with the provisions of this Act, is hereby repealed.

Salaries of Members of Privy Council.

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	$5,000	per annum
The Minister of Militia and Defence.	5,000	"
The Minister of Customs	5,000	"
The Minister of Finance and Receiver-General	5,000	"
The Minister of Public Works	5,000	"
The Minister of Railways and Canals	5,000	"
The Minister of Inland Revenue	5,000	"
The Minister of the Interior	5,000	"
The President of the Queen's Privy Council	5,000	"
The Minister of Marine and Fisheries	5,000	"
The Postmaster-General	5,000	"
The Minister of Agriculture	5,000	"
The Secretary of State of Canada	5,000	"

Salaries of Lieutenant-Governors.

3. The salaries of the Lieutenant-Governors of the several Provinces shall be as follows, viz:—

The Lieutenant-Governor of Quebec..	$6,000	per annum.
The Lieutenant-Governor of Ontario.	6,000	"
The Lieutenant-Governor of Nova Scotia	5,000	"

The Lieutenant-Governor of New Brunswick	$5,000	per annum.
The Lieutenant-Governor of Manitoba	5,000	"
The Lieutenant-Governor of British Columbia	5,000	"
The Lieutenant-Governor of Prince Edward Island	5,000	"
The Lieutenant-Governor of the North-West Territories	5,000	"

Sessional allowance to Members of Senate.

4. In each session of Parliament there shall be allowed to each member of the Senate attending at such session, six 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 such Senator attending at such session a sessional allowance of four hundred dollars, and no more.

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5. In each session of Parliament there shall be allowed to each member of the House of Commons attending at such session, six dollars for each day's attendance, if the session do not extend beyo thirty days; and if the session extends beyond thirty day hen there shall be payable to each such member attending at such session a sessional allowance of six hundred dollars, and no more.

Provision as to deductions, &c.

6. Notwithstanding anything contained in the Act thirty-sixth Victoria, chapter thirty-one, the deductions to be made under the second and fifth sections of the Act thirty-first Victoria, chapter three, shall be made at the rate of five dollars per day, as provided by the lastly-cited Act; and for the words "ten dollars" substituted by the said Act thirty-sixth Victoria, chapter thirty-one, for the words "six dollars" in the third and fifth sections of the said Act thirty-one Victoria, chapter three, the words "six dollars" are hereby substituted, replaced and restored.

Salary of Speakers of Senate and House of Commons.

7. The following salaries shall be payable to the officers herein mentioned respectively:—

To the Speaker of the Senate the sum of three thousand two hundred dollars per annum;

To the Speaker of the House of Commons the sum of three thousand two hundred dollars per annum.

Commencement of Act.

8. The provisions of this Act shall take effect from the first day of July in the present year, one thousand eight hundred and seventy-nine.

No. 95.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to reduce the salaries and allowances of certain public functionaries and officers, and the indemnity to members of the Senate and House of Commons.

Received and read, first time, Friday, April 25th, 1879.

Second reading, Monday, April 28th, 1879.

Mr. BÉCHARD.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1879.

No. 96.] **BILL.** [1879.

An Act to regulate charges on Railway Palace and Sleeping Cars.

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

1. The word "Company," when used in this Act, means any company, whether incorporated or not, and any individual, or association of individuals, engaged in running palace or sleeping cars over any railway to which this Act applies. Interpretation.

2. It shall not be lawful for any Company running cars over any railway within Canada, to which "*The Railway Act*, 1868," applies, to charge or receive for the use or occupancy of palace or sleeping cars for any distance of two hundred miles or less, a greater amount than the following rates, that is to say :—A single berth, chair, or sofa, one dollar; a section, two dollars; a state room, four dollars; and so on in proportion for any distance greater than two hundred miles: Provided, that in addition to the above rates the Company may charge for each berth made up for the purpose of sleeping therein an additional sum of fifty cents, but no more. Charges on sleeping cars fixed. Proviso.

3. It shall be the duty of every Company running a palace or sleeping car or cars over any railway to which this Act applies, to keep and expose for sale tickets at all ticket offices upon the line of railway over which they run such car or cars, and every Company making default to comply with the provisions of this section shall incur a penalty of dollars for each day during which such default continues. Sale of tickets.

4. Any ticket agent asking or receiving for any such ticket, as in the next preceding section mentioned, any greater rate than is provided by this Act, and any person in the employment of any such Company, who shall refuse any person admission into any car belonging to or run by such Company after the purchase of a ticket, or tender of the amount by this Act prescribed, shall incur a penalty for each offence not exceeding three hundred, and not less than one hundred dollars, recoverable as hereinafter provided. Not more than prescribed rate to be charged.

5. If the number of passengers holding first-class tickets upon any railway train, to which any palace or sleeping car is attached, is greater than can be accommodated by the seating capacity of the ordinary first-class cars attached to the train, the excess of such passengers shall be allowed to use any Accommodation of first class passengers.

unoccupied seats in such palace or sleeping car free of charge until such time as they may be able to obtain seats in the ordinary first-class cars; and any person in the employment of any such Company who shall refuse admission into any palace or sleeping car when the same is demanded under the provisions of this section shall incur a like penalty to that in the next preceding section provided.

Penalties how recoverable.

6. All penalties and forfeitures imposed by this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt or information in any of Her Majesty's Courts in the Province in which the cause of action arose, having competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the same may be recovered, with full costs of suit, by action of debt against the Company on whose behalf the offender was acting, unless upon the trial it shall appear to the satisfaction of the court that the offender has acted in the case in contravention of the orders and instructions of the Company; and one-half of every such penalty or forfeiture shall belong to the complainant or informant, and the other half to Her Majesty for the public uses of Canada.

Application of penalty.

No. 96.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL

An Act to regulate charges on Railway Palace and Sleeping Cars.

Received and read, first time, Friday, 25th April, 1879.

Second reading, Monday, 28th April, 1879.

Mr. BERGERON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 97.] **BILL.** [1879.

An Act to provide for the salaries of two additional Judges of the Supreme Court of British Columbia.

Preamble.

WHEREAS, by an Act passed by the Legislative Assembly of the Province of British Columbia in the year 1878, and known as "*The better Administration of Justice Act*, 1878," provision is made for the appointment of the Supreme Court of British Columbia in addition to the number of Judges now authorized to be appointed to that Court, and it is necessary to make provision for the salaries of such additional Judges; Therefore Her Majesty, by and with the advice and consent of the Senate use of Commons of Canada, enacts as follows:—

Act of B.C.

Salary of each additional Judge and how payable.

1. The salary of each of the two additional Judges of the Supreme Court of British Columbia, referred to in the preamble hereof, shall be four thousand dollars per annum, and shall be payable out of any unappropriated moneys forming part of the consolidated revenue fund of Canada.

No. 97.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to provide for the salaries of two additional Judges of the Supreme Court of British Columbia.

Received and read first time, Friday, 25th April, 1879.

Second reading, Monday, 28th April, 1879.

Mr. McDonald,
(Pictou.)

OTTAWA:
Printed by MacLean, Roger & Co.
1879.

No. 98.] **BILL.** 1879.

An Act to nd and consolidate "The Railway Act, ," and the Acts amending it.

NOTE.—In this Bill the note at the end of each section or part of a section shews the Act, section or sub-section from which it is taken. New provisions are included in brackets thus [ ] and marked as *New*. In the said notes S. stands for "Section of the Railway Act, 1868." When the provision is taken from an amending Act, the year of the Reign, chapter, section, or sub-section are given.

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

1. In citing this Act, it shall be sufficient to use the expression "*The Consolidated Railway Act*, 1879." S. 1 *amended*. Short title.

1. APPLICATION OF ACT.

2. The provisions of this Act from section five to section *thirty-four*, both inclusive, being Part First of this Act, shall apply to the Intercolonial Railway constructed under the authority of the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, and intituled: *An Act respecting the construction of the Intercolonial Railway*, so far as they are applicable to the undertaking and in so far as they are not inconsistent with or contrary to the provisions of the said Act or any other Act respecting it: Application of the several parts of this Act.

2. The said sections shall also apply to every railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada, and shall, so far as they are applicable to the undertaking, and unless they are expressly varied or excepted by the Special Act, be incorporated with the Special Act, form part thereof, and be construed therewith as forming one Act. S. 2. The same.

3. For the purpose of excepting from incorporation with the Special Act any of the sections forming Part First of this Act, it shall be sufficient in the Special Act to enact, that the sections of this Act proposed to be excepted, referring to them by the words forming the headings of such sections respectively, shall not be incorporated with such Act, and the Special Act shall thereupon be construed accordingly. S. 3. How any section may be excepted from incorporation with any Special Act.

4. The remaining provisions of this Act, being Part Second, shall apply to the Intercolonial Railway, in so far as they are not varied by, or inconsistent with the Special Act respecting it, to all railways in course of construction by the Government of Canada, and the property of the Dominion of To what Railways the other provisions of this Act shall apply.

Canada, in the year 1868, in so far as they are not inconsistent with any Special Act respecting them, and to all Railways which have been in or since the said year or which may be hereafter constructed under the authority of any Special Act passed by the Parliament of Canada, and to all Companies incorporated for their construction and working. S. 4,—[subject always to any provision hereinafter made as to the application of any section or provision of either part of this Act, any Province, place, or railway, or as to the time from which it is to be held as so applying]. *New.*

PART FIRST.

INTERPRETATION.

Interpretation of words "The Special Act."

5. 1. The expression "The Special Act," used in this Act, shall be construed to mean any Act authorizing the construction of a Railway, with which this Act or "*The Railway Act*, 1868," is incorporated;

"Prescribed."

2. The word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter, as the same is prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used;

"The Lands."

3. The expression "the lands" shall mean the lands which by the Special Act are authorized to be taken or used for the purpose thereof;

"The undertaking."

4. The expression "the undertaking" shall mean the railway and works, of whatever description, by the Special Act authorized to be executed;

In this and the Special Act.

5. The following words and expressions, both in this and the Special 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:

"Lands."

6. The word "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

"Lease."

7. The word "Lease" shall include any agreement for a lease;

"Toll."

8. The word "Toll" shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, matters or things conveyed on the Railway;

"Goods."

9. The word "Goods" shall include things of every kind that may be conveyed upon the Railway, or upon steam or other vessels connected therewith;

10. The word "County" shall include any union of Counties, County, Riding, or like division of a County in any Province, or any division thereof into separate Municipalities in the Province of Quebec; "County."

11. The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications; "Highways."

12. The word "Sheriff" shall include Under Sheriff, or other legal competent Deputy; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace," shall in such case be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place where such lands are situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one District, County, Riding, Division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division or place where any part of such lands are situate; "Sheriff." "Clerk of the Peace."

13. The word "Justice" shall mean a Justice of the Peace acting for the District, County, Riding, Division, City or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate and wholly in any one District, County, Riding, Division, City or place, the word "Justice" shall mean a Justice acting for the District, County, Riding, Division, City or place where any part of such lands are situate, and who is not interested in such matter; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two Justices assembled and acting together; "Justice." "Two Justices."

14. The word "owner," where, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of the owner, shall be understood to mean any Corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to and convey lands to the Company; "Owner."

15. The expression "the Company" shall mean the Company or party authorized by the Special Act to construct the Railway; "The Company."

16. The expression "the Railway" shall mean the Railway and the works by the Special Act authorized to be constructed.—S. 5. "The Railway."

INCORPORATION.

6. Every Company established under any Special Act shall be a body corporate under the name declared in the Companies established

under Special Acts, declared to be bodies corporate, &c.

Special Act, and shall be vested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are incident to such Corporation, or are expressed or included in "*The Interpretation Act.*"—S. 6.

POWERS.

Powers.

7. The Company shall have power and authority :

To receive grants of land, &c. ;

1 To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the Railway, but the same shall be held and used for the purpose of such grants or donations only ;

Purchase of land ;

2. To purchase, hold and take of any Corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the Railway, and also to alienate, sell or dispose of the same ;

Occupy public lands, beaches, &c., with consent of the Crown.

3. No Railway Company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council ; but with such consent any such Company may take and appropriate for the use of their Railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the Railway, as have not been granted or sold, and as may be necessary for such Railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said Railway and Works, subject, however, to the exceptions contained in the next following sub-section ;

As to lands belonging to Her Majesty, &c.

4. Whenever it is necessary for the Company to occupy any part of the lands belonging to the Queen, reserved for Naval or Military purposes, they shall first apply for and obtain the license and consent of Her Majesty, under the Hand and Seal of the Governor, and having obtained such license and consent, they may at any time or times enter into and enjoy any of the said lands for the purposes of the Railway ; but in the case of any such Naval or Military Reserves, no such license or consent shall be given except upon a Report first made thereupon by the Naval or Military authorities in which such lands are for the time being vested, approving of such license and consent being so given ;

Power to carry Railway across lands of corporations, and others ;

5. The Company shall have power and authority to make, carry or place the Railway across or upon the lands of any Corporation or person on the line of the Railway, or within the distance from such line stated in the Special Act, although, through error or other cause, the name of such party has not been entered in the Book of Reference hereinafter mentioned, or although some other party has been erroneously mentioned as the owner of or entitled to convey, or is interested in such lands ;

6. To construct, maintain and work the Railway across, along, or upon any stream of water, water-course, canal, highway or railway which it intersects or touches; but the stream, water-course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness; And across or along streams &c.

7. To make, complete, alter and keep in repair the Railway with one or more sets of rails or tracks to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them; To complete Railway with one or more tracks, &c.;

8. To erect and maintain all necessary and convenient buildings, stations, depôts, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passengers, freight and business of the Railway; Erect necessary buildings, wharves, &c.;

9. To make branch Railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the Railway; Branch Railways;

10. To construct and make all other matters and things necessary and convenient for the making, extending and using of the Railway, in pursuance of this Act, and of the Special Act; All other matters and things necessary for Railway;

11. To take, transport, carry and convey persons and goods on the Railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation; To convey persons and goods on Railway;

12 To borrow from time to time, either in Canada or elsewhere, such sums of money as may be expedient for completing, maintaining or working the Railway, and at a rate of interest not exceeding eight per cent per annum, and to make the Bonds, Debentures or other securities granted for the sums so borrowed, payable either in currency or in sterling, and at such place or places within Canada or without as may be deemed advisable, andto sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other properties of the Company for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than one hundred dollars; Borrow money, &c. To issue bonds, debentures, &c.

13. To enter into and upon any lands of Her Majesty without previous license therefor, or into and upon the lands of any Corporation or person whatsoever lying in the intended route or line of the Railway; and to make surveys, examinations, or other necessary arrangements on such lands To enter upon lands, &c.

necessary for fixing the site of the Railway, and to set out and ascertain such parts of the lands as are necessary and proper for the Railway ;

To remove trees.

14. To fell or remove any trees standing in any woods, lands or forests, where the Railway passes, to the distance of six rods from either side thereof ;

To cross or unite with other Railways.

15. To cross, intersect, join and unite the Railway with any other Railway at any point on its route, and upon the lands of such other Railway, with the necessary conveniencies for the purposes of such connection ; and the owners of both Railways may unite in forming such intersection, and grant the facilities therefor ; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators to be appointed by a Judge of one of the Superior Courts in the Province in which the point of junction or intersection is situated ;

But not without application to the Railway Committee under sect. 35.

16. But no Railway Company shall avail itself of any of the powers contained in the next preceding sub-section without application to the Railway Committee constituted under the *thirty-fifth* section of this Act, for approval of the mode of crossing, union or intersection proposed ; of which application, notice in writing shall be given to any other Railway affected, by sending the same by mail or otherwise, to the address of the President, Superintendent, Managing Director or Secretary of any such Railway Company, and when such approval has been obtained, it shall be lawful for either Railway, in case of disagreement as to the amount to be paid for compensation, to proceed for the determination of such compensation as provided in the said sub-section,—*S.* 7, *Sub-ss.* 1 *to* 16; and this sub-section and the next preceding it shall extend and apply to a Railway incorporated under any Act of a Provincial Legislature, in any case in which it is proposed that such Railway shall cross, intersect, join or unite with a Railway under the legislative control of Canada.—40 Vict., c. 45, s. 1.

Any Railway Company may construct branch Railways on certain conditions.

17. Any Railway Company may construct a branch or branches not exceeding six miles in length from any terminus or station of their Railway, whenever a By-law sanctioning the same has been passed by the Municipal Council of the Municipality within the limits of which such proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act or in this Act, nor shall any thing in either of the said Acts authorize the Company to take for such branch any lands belonging to any party without the consent of such party first obtained ; S. 7, sub-s. 17.

Power to construct branch lines for certain purposes.

18. For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring, with the main line of the Railway of the Company, or with any

branch thereof, or with any Railway worked or leased by the Company; and for the purpose of giving increased facilities to business or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the Company to build, make and construct, and to work and use, sidings, switches or branch lines of Railway, not to exceed in any one case six miles in length: Provided always, that the Company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section of this Act, until public notice shall have been given for six weeks in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the Company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose, under the compulsory powers vested in them by this Act, or by any other Act in their behalf; nor unless the Company shall, prior to the first publication of such notice, have deposited in the Registry Office of any city, county or part of a county, in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line; nor until the Company shall have submitted the same to, and such maps and plans shall have been approved by the Governor in Council, after the expiration of the notice; And provided further, that the Order of the Governor in Council, approving the said maps and plans, shall limit the time, not exceeding two years from the date of such order, within which the Company may construct such branch line;

Proviso: Notice to be

Maps and plans: and approval of Governor in Council.

Proviso: time for construction limited.

b. For any and every such purpose, each and every Company herein referred to, shall have and may exercise all the powers given them with respect to their main line, by the Act incorporating the Company, and the Acts amending the same or relating to the Company, or the Act authorizing the construction of the main line, and this Act and any Act amending the same; and each and all provisions of the said Acts which are applicable to such extension shall extend and apply to every such siding, switch or branch line *of* Railway.—38 Vict., c. 24, s. 1. *Substituted for* ss. 2, 3, 4 of 36 V., c. 80.

Powers of Company as to such branch lines.

19. Any Railway Company desiring at any time to change the location of its line of Railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of Railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this Act shall refer as fully to the part of such line of Railway so at any time changed or proposed to be changed as to the original line; but no Railway Company shall have any right to extend its line of Railway beyond the termini mentioned in the special Act. —S. 7. sub-sec 18.

Changes may be made in the line of a Railway at any time for certain purposes.

20. The original Capital Stock of any Railway Company may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy,

Stock may be increased:

how and on what conditions.

of at least two-thirds in amount of all the Shareholders, at a meeting expressly called by the Directors for that purpose, by a notice in writing to each Shareholder, served on him personally, or properly directed to him, and deposited in the Post Office, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase, and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the Capital Stock may be increased to the amount sanctioned by such a vote.—S. 7, sub-sec. 19.

PLANS AND SURVEYS.

Provision respecting surveys and levels.

8. Plans and Surveys shall be made and corrected as follows:

Map and book of References, contents.

1. Surveys and levels shall be taken and made of the lands through which the Railway is to pass, together with a Map or Plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a Book of Reference for the Railway, in which shall be set forth—

a. A general description of the said lands;

b. The names of the owners and occupiers thereof, so far as they can be ascertained; and,

c. Every thing necessary for the right understanding of such Map or Plan;

To be examined, certified and copies deposited.

2. The Map or Plan and Book of Reference shall be examined and certified by the Minister of Public Works or his deputy, and a duplicate thereof, so examined and certified, shall be deposited in the office of the Department of Public Works, and the Company shall be bound to furnish copies of such Map or Plan and Book of Reference or of such parts thereof as relate to each District or County through which the railway is to pass, to be deposited in the offices of the Clerks of the Peace for such Districts or Counties respectively;

Access to Copies.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Clerks of the Peace, at the rate of ten cents for every hundred words;

Certified copies to be evidence.

4. Such Map or Plan and Book of Reference so certified, or a true copy thereof certified by the Minister of Public Works, or by the Clerks of the Peace, shall be good evidence in any Court of Law and elsewhere;

Omissions or errors how remedied.

5. Any omission, misstatement or erroneous description of such lands, or of the owners or occupiers thereof, in any Map or Plan or book of Reference, may, after giving ten days' notice to the owners of such lands, be corrected by two Justices on application made to them for that purpose, and if it appears to them that such omission, misstatement or erron-

eous description arose from mistake, the Justices shall certify the same accordingly;

Certificates relating there to.

6. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the Districts or Counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon such Map or Plan or Book of Reference shall be deemed to be corrected according to such certificate; and the Company may make the Railway in accordance with the certificate;

Alterations from orignal survey.

7. If any alterations from the original plan or survey are intended to be made in the line or course of the Railway, a plan and section of such alterations as have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies or extracts of such plan and section so far as they relate to the several districts or counties, in or through which such alterations have been authorized to be made, shall be deposited with the Clerks of the Peace of such Districts and Counties;

Railway not to be proceeded with until map, &c., deposited.

8. Until such original Map or Plan or Book of Reference, or the plans and sections of the alterations, have been so deposited, the execution of the Railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with;

Clerks of the Peace to retain copies of original plan, &c.

Copies or extracts;

9. The Clerks of the Peace shall receive and retain the copies of the original Plans and Surveys, and copies of the Plans and Sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under a penalty for each default of four dollars;

Copies certified by Clerk to be good evidence in Courts.

10. The copies of the Maps, Plans and Books of Reference, or of any alteration or correction thereof, or extracts therefrom, certified by the Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as good evidence of the contents thereof, and the Clerk of the Peace shall give such certificate to all parties interested when required;

Line not to deviate more than a mile from Plan.

11. No deviation of more than one mile from the line of the Railway or from the places assigned thereto in the said Map or Plan and Book of Reference or Plans or Sections, shall be made into, through, across, under or over any part of the lands not shewn in such Map or Plan and Book of Reference, or Plans or Sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act;

As to errors in the name of a person entered in a

12. The Railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not

Book of Reference.

been entered in the Book of Reference through error or any other cause, or though some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands;

Map, &c., of Railway to be filed in the Board of Work's Office.

13. A Map and Profile of the completed Railway and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, be made and filed in the office of the Minister of Public Works, and like maps of the parts thereof, located in different Districts and Counties, shall be filed in the Registry Offices for the Districts and Counties in which such parts are respectively situate; and any Company failing or neglecting to furnish such map within the said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month such failure or neglect shall continue, recoverable in Her Majesty's name in any Court of competent jurisdiction;

On what scale and paper to be drawn.

14. Every such Map shall be drawn on such a scale, and on such paper, as may from time to time be designated for that purpose by the Minister of Public Works, and shall be certified and signed by the President or Engineer of the Corporation.—S. 8.

LANDS AND THEIR VALUATION.

Extent of lands to be taken without consent of proprietor.

9. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty-three yards in breadth, except in places where the Railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depôts or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred and fifty yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on the Map or Plan, or Plans or Sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line;

Extra breadth for depots.

Extent of public beach to be taken.

2. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the Railway, shall not exceed the quantity limited in the next preceeding sub-section;

Corporations, &c., may convey lands to Company.

3. All Corporations and persons whatever, tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of, or interested in

any lands, may contract, sell and convey unto the Company all or any part thereof;

Limitation of powers in certain cases.

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

Effect of sale under preceding sub-section.

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

Disposition of purchase money.

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

Effect of contracts made before deposit of map.

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

Corporations who cannot sell, may agree upon a fixed rent.

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

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

As to proprietors *par indivis.*

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

After one month's notice of deposit of map, &c., application to the owner of lands.

10. After one month from the deposit of the Map or Plan and Book of Reference, and from notice thereof in at least one newspaper, if there be any, published in each of the Districts and Counties through which the Railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Railway, and thereupon agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as follows, that is to say:

Deposit of plan, &c., to be general notice.

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

Notice to opposite party; and what it must contain.

12. The notice served upon the party shall contain:

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

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

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

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

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

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

If the opposite party be absent or unknown : application to a Judge.

13. If the opposite party is absent from the District or County in which the lands lie, or is unknown, then, upon application to the Judge of the Superior Court for the District, if it be in the Province of Quebec, or to the Judge of the County Court for the County, if it be in either of the Provinces of Ontario or New Brunswick, or to a Judge of the Supreme Court if it be in the Province of Nova Scotia, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a Certificate, to be inserted three times in the course of one month in some newspaper published in the District or County ; or if there be no newspaper published therein, then in a newspaper published in some adjacent District or County ;

See s. 100 as to P.E.I.

If County Judge be interested.

14. Whenever any County Judge is interested in any lands taken or required by the Company within the County in which he is such Judge, any Judge of any of the Superior Courts in the Province in which the lands are, shall, on the application of the Company, exercise in such cases all the powers given by this section to the County Judge in cases in which he is not interested ;

Party not accepting the Company's offer, and not appointing an Arbitrator.

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

Appointment of Arbitrators by opposite party : third Arbitrator.

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

Duties of Arbitrators.

17. The Arbitrators or two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the District or County in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such Arbitrators, or

any two of them, or of the sole Arbitrator, shall be final and conclusive; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least two clear days' notice, or to which some meeting at which the third Arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the Arbitrator appointed by him, or whose appointment he required;

Award of two to be sufficient.

Arbitrators to consider increased value of remaining lands.

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

Costs, how paid.

19. If in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the cost of the arbitration shall be borne by the oppposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the Judge;

Arbitrators may examine on oath.

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

Time within which award may be made.

21. A majority of the Arbitrators at the first meeting after their appointment, or the sole Arbitrator, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by resolution of the Arbitrators, then, the sum offered by the company as aforesaid, shall be the compensation to be paid by them;

Arbitrator dying, &c.

22. If the sole Arbitrator appointed by the Judge, or the Official Arbitrator appointed by the Minister of Public Works, or any Arbitrator appointed by the parties, or the third Arbitrator appointed by the two Arbitrators, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole Arbitrator, the Judge, upon the application of either party, and in the case of the Official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal

or failure, may appoint another Arbitrator in his place, and in the case of any Arbitrator appointed by the parties the company and party respectively may each appoint an Arbitrator in the place of his Arbitrator so deceased or not acting, and in the case of a third Arbitrator appointed by the two Arbitrators, the provisions of the sixteenth subsection shall apply, but no recommencement or repetition of prior proceedings shall be required in any case.—S.9, *sub-ss.* 22, *as amended by* 39 *Vict., cap,* 32.

Company may desist paying costs.

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

Surveyor or Arbitrator not disqualified unless personally interested.

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

When disqualification must be urged No objections admissible after a third Arbitrator has been appointed.

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

Awards not avoided for want of form.

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

Posession may be taken on payment of tender, &c., of sum awarded.

27. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible

Warrant of possession.

opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district or county, or to a Bailiff, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do;

When warrant of possession may issue before award.

28. Such Warrant may also be granted by any such Judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the Railway with which the Company are ready forthwith to proceed; and upon the Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company.—S. 9, *sub-ss.* 1 *to* 28.

Security being first given to deposit compensation.

On what conditions only Judge may grant such Warrant.

b. But no Judge shall grant any Warrant under this sub-section unless ten days' previous notice of the time and place when and where application for its granting will be made to him, has been served upon the owner of the land, or the party empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the Railway Company; nor shall any Judge grant any such Warrant except upon the Company giving security to his satisfaction, and in a sum larger than his estimate of the probable compensation, and not less than double the amount mentioned in the notice served under sub-section twelve of this section; and the cost of the application to and of any hearing before the Judge, shall be borne by the Railway Company, unless the compensation awarded shall be less than they had declared their readiness to pay.—38 V., c. 24, s. 3.

When compensation to stand in the place of the land.

29. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party;

As to incumbrances, &c., upon lands, &c, purchased or taken in Ontario, Nova Scotia, or New Brunswick.

30. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company

deems it advisable, the Company may, if the lands are situated in either of the Provinces of Ontario, Nova Scotia or New Brunswick, pay such compensation into the office of one of the Superior Courts for the Province in which the lands are situated, with the interest thereon for six months, and may deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned ;

What notice to be published.

31. A notice, in such form and for such time as the Court appoints, shall be inserted in some newspaper, if there be any, published in the district or county in which the lands are situate, and at the seat of Government of the Province, which shall state that the title of the Company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same ; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act and the Special Act, and to law, appertain ;

By whom costs shall be paid.

32 The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order ;

When interest shall be returned to, or paid by the Company.

33. If such order of distribution be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right ;

Case in which lands are situate in P. Q. and Company have reason to fear incumbrances provided for.

34. If the lands so taken are situated in the Province of Quebec, and if the Company have reason to fear any such claim, mortgage, hypothec or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or is unknown to the Company, or if for other reasons the Company deems it advisable, the Company may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with the interest thereon for six months, and may deliver to the said Prothonotary an authentic copy of the convey-

ance, or of the award, if there be no conveyance, and such award shall thereafter be deemed to be the title of the Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is, the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court;

Effect of a judgment of confirmation.

35. Such judgment of confirmation shall forever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the Special Act, and the provisions of this Act and to law, shall appertain;

By whom costs to be paid.

Interest.

36. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right;

The case of Railway passing through Indian lands provided for.

37. If the Railway passes through any land belonging to or in possession of any Tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that Arbitrators should be chosen by the parties, the Secretary of State is hereby authorized and required to name an Arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Secretary of State, for the use of such Tribe or Body.—S. 9, *sub-s.* 29 *to* 37.

Power to take materials for construction of Road. *New.*

[38. Whenever stone, gravel, earth, sand or water is required for the construction or maintenance of any railway, or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situated, for the purchase thereof, cause a Land Surveyor duly licensed to act as such in the Province or Territory, to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway; and

all the provisons of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this sub-section, and to the obtaining materials as aforesaid, and such proceedings may be had by the Company, either for the right to the fee-simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary; and the notice of arbitration, in case arbitration is resorted to, shall state the interest and powers required. *New.*]

Notice in case of arbitration. *New.*

[39. Whenever any gravel, stone, earth, sand or water is taken as aforesaid, at a distance from the line of the railway, the Company may lay down the necessary sidings, water-pipes or conduits and tracks over or through any lands intervening between the railway and the lands on which such material or water is found, whatever the distance may be; and all the provisions of this Act, except such as relate to the filing of plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently, as the Company may think proper; and the powers in this and the next preceding sub-section contained may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the railway. *New.*]

Power to make sidings, conduits, &c. *New.*

May be exercised for repairing and maintaining Road.

[40. Whenever for the purpose of procuring sufficient lands for stations or gravel-pits, or for constructing, maintaining and using the railway any land may be taken under the cuompulsory provisions of this section, and by purchasing the whole of any lot or parcel of land over which the railway is to run, or of which any part may be taken under the said provisions, the Company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the roadway line only or only such part as aforesaid, the Company may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel not necessary for the purposes aforesaid. *New.*]

Provision when the whole lot or parcel of land can be purchased with advantage. *New.*

10. Whenever any Railway Company, subject for any cause to the Legislative authority of the Parliament of Canada, (and whether the provisions of this Act generally do or do not for other purposes apply to such Company or their Railway,) requires at any station or place on the line of such Railway more ample space for the convenient accommodation of the public and of the traffic on the Railway than they then possess or can take without the consent of the proprietors thereof, the Company may cause a plan to be made of the additional ground required at such station or

Proceeding when more space is required for the accommodation of the traffic at any station or place.

place for the purposes aforesaid, not being in actual use for similar purposes by any other Railway Company, (and for the purpose of making such plan shall have the powers granted to Railway Companies for making surveys by the *seventh* section of this Act,) and may transmit such plan to the Minister of *Public Works*, with an application (supported by affidavit) on behalf of the Company, referring to such plan and stating that certain ground shewn thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Minister to authorize the taking thereof for such purposes under this Act, of which application ten days' notice shall be given to the owner or possessor of such property, and the correctness of the plan and the truth of the allegations in such application shall be certified by the President or one of the Directors of the Company, and by their Engineer, and such plan and statement shall be made and transmitted to the Minister in duplicate.—34 Vict., c. 43, s. 1.

Certificate of Minister of Public Works required.

11. The Minister of *Public Works* shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the ground shewn on such plan, or any less quantity, should be acquired by the Company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the Minister.—34 Vict., c. 43, sec. 2.

Effect of such certificate, and application of certain provisions of the Railway Act to the land certified as necessary.

12. Upon the granting of such certificate as aforesaid by the Minister of *Public Works*, and by virtue thereof, the Company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors, and the Company and all corporations or parties who could not otherwise convey the same to the Company, shall have, with respect to any such ground, all the powers granted by the ninth section of this Act, headed "LANDS AND THEIR VALUATION," to Railway Companies, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said section, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Minister of *Public Works*, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground, or any part thereof, with or without the consent of the proprietor; and if at any time thereafter the Company shall not require the whole or any portion of the land acquired under this Act for Railway purposes, then such land as is not so required shall be sold by public auction after thirty days notice thereof in any newspaper. (34 Vict., c. 43, s. 3.)

Sale of land taken and not afterwards required.

13. Any such certificate as aforesaid, purporting to be signed by the Minister of *Public Works*, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity be called in question on behalf of the Crown. (34 Vic.,c. 43., s. 4.) Proof of certificate.

14. The provisions of the four next preceding sections 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 this Act is by its provisions declared to be generally applicable. (34. Vict., c. 43, s. 7.) Application of four next preceding sections.

HIGHWAYS AND BRIDGES.

15. The Railway shall not be carried along an existing highway, but merely cross the same in the line of the Railway, unless leave has been obtained from the proper Municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above nor sink below the surface of the road more than one inch, shall not be deemed an obstruction; Railway not to be carried along any highway without leave from municipal authorities.

2. No part of the Railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the Railway may be carried across or above any highway within the limits aforesaid; Railway not to rise more than one inch above level of any highway when crossing the same.

3. The span of the arch of any bridge erected for carrying the Railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet; Height and span of bridge over highways.

4. The ascent of all bridges erected to carry any highway over any Railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge; S. 10, sub-s. 2, 3, 4. Ascent of bridges.

[5. And whenever a highway bridge or any other erection or structure shall hereafter be constructed over a railway, or whenever it shall become necessary to reconstruct any highway bridge, or other erection or structure already built over a Railway, or to make large repairs to the same, the lower beams or members of the superstructure of any such highway or overhead bridge, or of any other erec- Highway bridges, &c., over railways to be made of a certain height above the top of the highest freight cars, and at whose expense. *New.*

tion or structure over any Railway, and the approaches thereto, shall be constructed, or reconstructed and raised, at the cost of the Railway Company or of the Municipality or other owner of the bridge, erection or structure, as the case may be, and shall at all times be maintained, at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then running or thereafter to run on the railway and the lower beams or members of such bridge or other erection ; and thereafter, any Railway Company, before using higher freight cars than those running on their railway at the time of the construction or reconstruction of, or large repair to, such bridge or other erection or structure, shall after having first obtained the consent of the Municipality, or of the owners of such highway bridge, or other erection or structure, raise the said bridge or other erection or structure, and the approaches thereto, if necessary, at the cost and charges of the Railway Company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then used, or thereafter to be used, on the Railway. *New.*]

New.

Provision in case of higher cars being used thereafter.

New.

Precautions when Rail- crosses a highway.

6. Signboards stretching across or projecting over the highway crossed at a level by any Railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, in letters not less than six inches in length ; and for any neglect to comply with the requirements of this sub-section, a penalty not exceeding forty dollars shall be incurred. (S. 10, sub-s. 5.)

FENCES.

Fences to be erected on each side of Railway, with gates and crossings.

16. Within six months after any lands have been taken for the use of the Railway, the Company shall, if thereunto required by the proprietors of the adjoining lands, at their own costs and charges, erect and maintain on each side of the Railway, fences of the height and strength of an ordinary division fence, with sliding gates, commonly called hurdle gates, with proper fastenings, at farm crossings of the road, for the use of the proprietors of the lands adjoining the Railway ; and also cattle-guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the Railway ;

Liability of Company until cattle guards are erected.

2. Until such fences and cattle-guards are duly made, the Company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the Railway ;

When to be exempted.

3. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done ;

4. If any person rides, leads or drives any horse or any other animal, or suffers any such horse or other animal to enter upon such Railway, and within the fences and guards, other than the farm crossings, without the consent of the Company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby ; Persons prohibited from going on the track, &c., with cattle, &c.

5. No person other than those connected with, or employed by the Railway, shall walk along the track thereof, except where the same is laid across or along a highway. (S. 11.) Not to walk on track.

6. 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. (36 Vict., c. 80, s. 1.) Power to erect snow fences on adjoining lands. Proviso.

TOLLS.

17. Tolls shall be from time to time fixed and regulated by the By-laws of the Company, or by the Directors, if thereunto authorized by the By-laws, or by the Shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the Railway, or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the Railway, in such manner and under such regulations as the By-laws direct ; Tolls to be fixed by By-laws or otherwise.

2. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent Court, or the agents or servants of the Company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof ; How payment of Tolls enforced.

3. If the tolls are not paid within six weeks, the Company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale ; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto ; When if Tolls not paid, goods distrained may be sold.

When goods distrained or detained may be sold.

4. If any goods remain in the possession of the Company unclaimed for the space of twelve months, the Company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Official Gazette* of the Province in which such goods are, and in such other newpapers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto;

Proceeds, how dealt with.

How balance to be disposed of.

5. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver-General, to be applied to the general purposes of Canada, until claimed by the party entitled thereto;

Tolls—how raised or reduced.

6. All or any of the tolls may, by any by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls;

A fraction of a mile or ton how estimated in charging tolls.

7. In all cases, a fraction in the distance over which goods or passengers are transported on the Railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton;

Table of tolls to be stuck up in offices and cars.

8 The Directors 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;

Tolls to be approved of by the Governor in Council.

9. 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;

The Governor may revise By-laws fixing tolls.

10. 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 Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked;

11. The Parliament of Canada may, from time to time, reduce the tolls upon the railway, but not without consent of the Company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Minister of Public Works of the amount received and expended by the Company, the net income from all sources, for the year then last passed, is found to have exceeded fifteen per cent. upon the capital so actually expended; When Parliament may reduce tolls on Railways.

12. No by-law of any Railway Company by which any tolls are to be imposed or altered, or by which any party other than the Members, Officers and Servants of the Company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Governor in Council. S. 12. By-laws imposing tolls, &c., to be approved by the Governor in Council.

GENERAL MEETINGS OF SHAREHOLDERS.

18. The Shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, may elect Directors in the manner provided by the next succeeding section. (S. 13.) Shareholders may hold general meetings.

PRESIDENT AND DIRECTORS—THEIR ELECTION AND DUTIES.

19. A Board of Directors of the undertaking to manage its affairs, the number whereof shall be stated in the special Act, shall be chosen annually by a majority of the Shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act, and if such election is not held on the day appointed, the Directors shall cause such election to be held within as short a delay as possible after the day appointed; Board of Directors to be elected.

2. No person shall be admitted to vote on such subsequent day except those who would have been entitled to vote had the election been held on the day when it ought to have been held; Who entitled to vote.

3, Vacancies in the Board of Directors shall be filled in the manner prescribed by the by-laws. Vacancies, how to be filled up.

4. No person shall be a Director unless he is a Stockholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he is chosen; Who qualified to be a Director.

5. The method of calling general meetings, and the time and place of the first meeting of Stockholders, for the appointment of Directors, shall be determined and settled in the Special Act; Calling of special meetings, &c.

6. The number of votes to which each Shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion of the number of Votes to be in proportion to shares.

shares held by him, unless otherwise provided by the Special Act;

Shareholders may vote by proxy.

7. All Shareholders, whether resident in Canada or elsewhere, may vote by proxy, if they see fit; Provided that such proxy produce, from his constituent an appointment in writing, in the words or to the effect following, that is to say:

Form.

I, , of one of the Shareholders of the , do hereby appoint , of , to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that may be mentioned or proposed at any meeting of the Shareholders of the said Company, or any of them, in such manner as he, the said , thinks proper. In witness whereof, I have hereunto set my hand and seal, the day of , in the year

Votes by proxy to be valid

8. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the Shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the Company, and be deemed the decisions and acts of the Company;

Term of office of Directors.

9. The directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until the next ensuing election of directors;

Vacancies how supplied.

10. In case of the death, absence or resignation of any of the Directors, others may be appointed in their stead by the surviving directors; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining directors;

President.

Term of office.

Vice President.

11. The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president;

Quorum.

12. The directors at any meeting at which not less than a quorum, to be settled by the Special Act, are present, shall be competent to use and exercise all and any of the powers vested in them;

Acts of majority to bind the whole.

13. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors;

Casting vote.

14. No director shall have more than one vote except the Chairman, who shall, in case of a division of equal numbers, have the casting vote ;

Directors to be subject to Shareholders and By-laws.

15. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act ;

Officers of Company cannot be Directors or contractors.

16. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding the office of director, nor shall any person being a director of the company enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company ;

By-laws for management of stock, &c.

17. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of Canada, and for the appointment of all officers, servants and artificers, and prescribing their respective duties ;

May appoint officers.

18. The directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or by the guarantee of the European Assurance Society, or of any society incorporated for like purposes, as they may deem expedient or otherwise, from the manager and officers for the time being, for the safe keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their offices, as the directors think proper ;

Vice-President to act in the absence of the President.

19. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures and other instruments, and perform all acts which by the regulations and by-laws of the company, or by the Acts incorporating the company, are required to be signed, performed and done by the president ;

Absence of President may be entered in the minutes, and certified, &c.

20. The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary, shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *primâ facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise ;

Directors to cause annual accounts to be rendered.

21. The directors shall cause to be kept, and annually on the thirty-first day of December to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors.—S. 14.

CALLS.

Calls, how made and after what notice.

20. The 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 deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the Special Act;

Notice of meetings, how published.

2. All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Canada Gazette*, which shall be conclusive evidence of the sufficiency of such notice;

Payment of calls how to be made.

3. Every shareholder shall be liable to pay the amount of the call 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 or the directors;

Interest to be chargeable on overdue calls.

4. If before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment;

Amount of call may be recovered by suit.

5. If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable;

What allegations and formalities necessary in actions for calls.

6. In any action or suit 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 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 Company by virtue of the Special Act;

Certificate of proprietor-

7. The Certificate of Proprietorship of any share shall be admitted in all Courts, as *primâ facie* evidence of the title of

any shareholder, his executors, administrators, successors or assigns, to the share therein specified;

ship *primâ facie* evidence.

8. But the want of such Certificate shall not prevent the holder of any share from disposing thereof;

Proviso.

9. Any person neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof, which forfeiture shall go to the Company for the benefit thereof;

Penalty for refusal to pay calls.

10. No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a General Meeting of the Company, assembled at any time after such forfeiture has been incurred;

Forfeiture of share to be taken advantage of only at a general meeting.

11. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking;

Effect of forfeiture as to liabilities.

12. The Directors may sell, either by public auction or private sale, and in such manner and on such terms as to them may seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the Company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company;

Directors may sell forfeited shares.

13. A Certificate of the Treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser, and such Certificate, with the receipt of the Treasurer for the price of such shares, shall constitute a good title to the shares, and the Certificate shall be by the said Treasurer enregistered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books required to be kept by the by-laws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase-money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold;

Certificate of Treasurer to be evidence of forfeiture and of title of purchaser.

14. Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same, and upon the principal 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 to which such advance is made, the Company may pay such interest at the

Interest may be allowed to Shareholders paying money in advance on their shares.

legal rate of interest for the time being, as the shareholders paying such sum in advance and the Company agree upon; but such interest shall not be paid out of the capital subscribed.—S. 15.

DIVIDENDS.

Declaration of dividend.

21. At the general meetings of the shareholders of the undertaking from time to time holden, a dividend shall be made out of the clear profits of the undertaking, unless such meetings declare otherwise:

At so much per share.

2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the Company, as such meeting may think fit to appoint or determine;

Dividends not to impair the Capital.

3. No dividend shall be made whereby the capital of the Company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid;

Directors may pay interest on sums called up in respect of shares.

4 The Directors may, in their discretion, until the Railroad is completed and opened to the public, pay interest at any rate not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the Directors appoint for that purpose;

No interest on shares in arrear.

5. No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such shares or upon any other share held by the same shareholder while such call remains unpaid.—S. 16.

SHARES AND THEIR TRANSFER.

Shareholders may dispose of shares.

22. Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the Company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid by the purchaser until such duplicate is so delivered, filed and entered:

Form of sale.

2. Sales shall be in the form following, varying the names and descriptions of the contracting parties as the case may require:

I, A. B., in consideration of the sum of , paid to me by C. D., hereby do sell and transfer to him share (or shares) of the stock of the , to hold to him, the said C. D., his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree to accept of

the said share (or shares) subject to the same rules, orders and conditions. Witness our hands this day of in the year 18

3. The Stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid; Stock to be personal estate—No transfer of part of a share.

4. If any share in the Company be transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is transmitted shall deposit in the office of the Company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without such proof the party shall not be entitled to receive any share of the profits of the Company, nor vote in respect of any such share as the holder thereof; Transmission of shares other than by transfer, provided for

5. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject and the receipt of the party in whose name any share stands 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 named in the Register of Shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trusts, 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 the execution of trusts.

6. The funds of the Company shall not be employed in the purchase of any Stock in their own or in any other Company.—S. 17. Company not to take stock in their own or any other companies.

SHAREHOLDERS.

23. 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, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part; Shareholders individually liable, and to what extent.

2. Municipal Corporations in any Province in Canada being duly empowered so to do by the laws of the Province, and subject to the limitations and restrictions by such laws prescribed, may subscribe for any number of shares in the Capital Stock of the Company, and the Mayor, Warden or Reeve, or other head of any such Corporation holding stock When and how Municipal Corporations may take stock, &c

to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the Directors of the Company in addition to the number of Directors authorized by the Special Act;

Account of names and residence of Shareholders to be kept.

3. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose.—S. 18.

BY-LAWS, NOTICES, &C.

By-laws to be put into writing, and signed by Chairman.

24. All By-laws, Rules and Orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in every place where tolls are to be gathered, and a printed copy of so much of them as relates to the safety and liability of passengers shall be openly affixed in each passenger car, and in like manner so often as any change or alteration is made to the same; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be evidence thereof in any Court:

By-laws to be submitted to Governor.

2. All such By-laws, Rules and Orders shall be submitted from time to time to the Governor for approval;

Copies of Minutes to be *primâ facie* evidence.

3. Copies of the Minutes of proceedings and resolutions of the shareholders of the Company, at any general or special meeting, and of the Minutes of proceedings and resolutions of the Directors, at their meetings, extracted from the Minute-books kept by the Secretary of the Company, and by him certified to be true copies extracted from such Minute-books, shall be evidence of such proceedings and resolutions in any Court;

Notices by Secretary valid.

4. All notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the Directors and Company—S. 19.

WORKING OF THE RAILWAY.

Servants to wear badges.

25. Every servant of the undertaking employed in a passenger train or at a station for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property:

Trains to start at regular hours.

2. The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other Railways and at usual stopping-places

established for receiving and discharging way-passengers and goods from the trains;

Passengers and goods to be carried on payment of fare or freight.

3. Such passengers and goods shall be taken, transported and discharged at, from and to such places, on the due payment of the toll, freight or fare legally authorized therefor;

The Company liable for neglect or refusal.

4. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company; from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servants. *As amended by* 34 V, c. 43, s. 5.

Checks to be fixed on parcels.

5. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the same;

Penalty for refusing to give checks.

6. If such check be refused on demand, the company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare the same shall be refunded by the conductor in charge of the train;

Passenger a witness in his own behalf.

7. Any passenger producing such check may himself be a witness in any suit brought by him against the company to prove the contents and value of his baggage not delivered to him;

Baggage cars not to be in rear of passenger cars.

8. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be guilty of a misdemeanor, and be punished accordingly;

Locomotives to have bells and steam whistles.

9. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle;

To be rung or sounded at every crossing, &c.

10. The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the company, who shall also be liable for all damages sustained by any person by reason of such neglect, and one-half of such penalty and damages shall be chargeable to and collected by the company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid;

Intoxication of conductor a misdemeanor.

11. Any person in charge of a locomotive engine or acting as the conductor of a car or train of cars, who is intoxicated, shall be guilty of a misdemeanor;

Passenger refusing to pay fare may be put out.

12. Any passenger refusing to pay his fare, may, by the conductor of the train and the servants of the company, be put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force;

Passenger to have no claim if injured when on platform of cars, &c.

13. Any person injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time;

As to goods of dangerous nature.

They must be plainly marked.

14. No passenger shall be entitled to carry, or require the company to carry upon their railway, *aquafortis*, oil of vitriol, gunpowder, nitro-glycerine, or any other goods which in the judgment of the company may be of a dangerous nature; and if any person sends by the said railway any such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, he shall forfeit to the company the sum of twenty dollars for every such offence;

Dangerous goods may be refused.

15. The company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. S. 20.

TRAINS OVERDUE.

Duty of station agent, &c., when a train is overdue.

26. It shall be the duty of every railway company, upon whose road there is a telegraph line in operation, to have a blackboard put upon the outside of a station-house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph office; and when any passenger train is overdue for half an hour at any such station according to the time table of such Company, it shall be the duty of the Station Master or person in charge at such station to write or cause to be written with white chalk on such blackboard a notice in English and French in the Province of Quebec, and in English in the other Provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; and if when that time has come, the train has not reached the station, it shall be the duty of the Station Master or person in charge of the station to write or cause to be written on the blackboard in like manner a fresh notice, stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station. And every such railway company, station master or person in charge at any such station, shall be liable to a penalty not exceeding five dollars for any wilful neglect, omission or refusal to obey the provisions aforesaid;

Penalty for contravention.

and any proceeding for the recovery of any such penalty may be brought, in the Province of Quebec, before any two Justices of the Peace or before the Circuit Court of the district or of the county in which district or county such station is situate, and, in the other Provinces, before any two Justices of the Peace or the Stipendiary or Police Magistrate for the city, town, district or county in which such station is situate : Suits for penalty, how brought.

The penalty recoverable under the provisions of this section shall belong to the Crown ; and every proceeding brought by virtue of this section shall be commenced within one month following the commission of the offence and not after ; but nothing in this section shall prejudice the right of any person to the recovery of damages from any such railway company by reason of the detention of trains as aforesaid ; and every such railway company is hereby required to have a printed copy of this section posted up in a conspicuous place at each of its stations at which there is a telegraph office.—36 Vic., c. 81, s. 1, *substituted for* 34 Vict., c. 43, s 6. Application of penalty and limitation of actions. Proviso. This section to be posted up at stations.

ACTIONS FOR INDEMNITY ; AND FINES AND PENALTIES AND THEIR PROSECUTION.

27. All suits for indemnity for any damage or injury sustained by reason of the railway shall be instituted within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards ; and the defendants may plead the general issue and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of this Act and the Special Act: Limitation of actions for damages.

1. All fines and forfeitures imposed by Part First of this Act, or the Special Act, or by any by-law, except those for the levying and recovering of which special provision is herein made, shall be recovered in a summary manner before any one or more Justice or Justices of the Peace for the district, county or place where the act occurred ; Fines, how recovered.

2. All the fines, forfeitures and penalties recovered under the next preceding paragraph, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the company, to be applied to the use thereof ; How applicable.

3. Any contravention of this Act or of the Special Act by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly ; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention.—S. 21. Contravention of this Act, &c., to be a misdemeanor. Proviso.

GENERAL PROVISIONS.

Provision as to the carriage of Her Majesty's Mail, &c.

28. Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on Her Majesty's service, shall at all times, when required by the Postmaster General of Canada, the Commander of the Forces, or any person having the superintendence and command of any Police Force, and with the whole resources of the Company if required, be carried on the Railway, on such terms and conditions, and under such regulations as the Governor in Council may make:

Government to have exclusive use of telegraph, if required.

2. The Company shall, when required so to do by the Governor in Council, or any person authorized by him, place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service;

Telegraph line may be constructed by Governor.

3. The Governor may, at any time, cause a line or lines of electric telegraph to be constructed along the line of the Railway, for the use of the Government, and for that purpose may enter upon and occupy so much of the lands of the Company as may be necessary for the purpose;

Further enactments may be made by Parliament.

4. Any further enactments which the Parliament of Canada may hereafter make, for the carriage of the Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act;

Tenders to be advertised for, as to works not of immediate necessity.

5. No contracts for works of construction or maintenance of the Railway, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to that at which the work is required to be done, but the Company shall not be compelled to accept any such tender;

Period for subscription of Capital, and completion of Railway.

6. If the construction of the Railway be not commenced, and ten per cent. on the amount of the capital be not expended thereon, within three years after the passing of the Special Act, or if the Railway is not finished and put in operation in ten years from the passing of such Special Act, the corporate existence and powers of the Company shall cease;

Account to be submitted to Legislature.

7. After the opening of the Railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of Parliament, an account shall be annually submitted to the three branches containing a detailed and particular account, attested upon oath of the

President, or in his absence, of the Vice-President, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement;

Form or details of account may be varied by Parliament.

8. No further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company;

Parliament may dissolve any Corporation formed under this Act.

9. Parliament may at any time annul or dissolve any corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred;

Saving of Her Majesty's Rights, &c.

10. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned. S. 22.

RAILWAY STATISTICS.

Word "Company" what to mean.

29. In this and the *five next following sections* the term "Company" means a company incorporated either before or after the passing of this Act, for the purpose of constructing, maintaining or working a Railway in the Dominion, or in any Province thereof, or connecting any Province with any other or others of the Provinces, or extending beyond the limits of any Province, by any Act of the Parliament of Canada, or of the late Province of Canada, or of the Legislatures of the late Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, British Columbia, or Prince Edward Island, or of the Legislatures of any of the Provinces composing the Dominion of Canada (either alone or in conjunction with any other purpose), and includes any individual or individuals not incorporated, who are owners or lessees of a railway in the Dominion, or parties to an agreement for working a railway in the Dominion:

Person.

The term "person" includes a body corporate.—38 V., c. 25, s. 1.

Companies to furnish yearly returns to Government; and in what form and with what details.

30. Every company shall annually prepare returns of their capital in accordance with the form contained in Schedule One to this Act, and a copy of such returns signed by the President or other head officer of the company resident in Canada and by the officer of the company responsible for the correctness of such return or any part thereof, shall be forwarded by the company to the Minister of Public Works, not later than three months after the end of the calendar year; together with a copy of the then last annual return of the traffic and working expenditure which every such company is required to keep, in accordance with the provisions of their respective Acts of incorporation, to be verified in manner and form aforesaid, and furnished in such form as

the Minister of Public Works shall approve of or prescribe. Any company which fails to forward the said returns in accordance with the provisions of this section, shall be liable to a penalty not exceeding ten dollars for every day during which such default continues.—39 Vict., c. 14. s. 1, *substituted for* 38 V., c. 25, s. 2.

Weekly returns for publication to be furnished by Companies.

31. Every company shall weekly prepare returns of their traffic for the last preceding seven days in accordance with the form contained in Schedule Two to this Act, and a copy of such returns signed by the officer of the company responsible for the correctness of such return, shall be forwarded by the company to the Minister of Public Works within seven days from the day in each week to which the said returns shall have been prepared; and another copy of each of such returns, signed by the same officer, shall be posted up by the company within the same delay, and kept posted up for seven days, in some conspicious place in the most public room in the head office of the company in Canada, and so as the same can be perused by all comers; and free access thereto shall be allowed to all comers during the usual hours of business at such office on each day of the said seven not being a Sunday or holiday:

Copy to be posted up in Head Office.

Penalty for default.

And every company which fails to forward the said weekly return to the Minister of Public Works, or which fails to post up and keep posted up a copy thereof as aforesaid, and allow free access thereto as aforesaid, shall be liable to a penalty not exceeding ten dollars for every day during which such default continues.—38 Vict., cap. 25, s. 3.

Penalty for false returns.

32. If any return which is required by the two next preceding sections is false in any particular to the knowledge of any person who signs the same, such person shall be liable, on conviction thereof on indictment, to fine and imprisonment,—such fine not to exceed two hundred and fifty dollars.—38 Vict., c. 25, s. 4.

How recoverable.

2. All penalties imposed by the said two next preceding sections hereinbefore cited, as hereby amended, shall be recoverable by the person suing for the same for his own use and benefit in any court having jurisdiction in civil cases to the amount.—39 Vict., cap. 14, s. 2, *amending* 38 V., c. 25.

Report to Parliament.

33. The Minister of Public Works shall lay before both Houses of Parliament within twenty-one days from the commencement of each Session, the returns made and rendered to him, in pursuance of *section thirty* of this Act.—38 V., cap. 25, s. 5.

Returns to be privileged.

34. All returns made in pursuance of any of the provisions of this Act, shall be privileged communications, and shall not be evidence in any court whatsoever.—38 V., c. 25, s 6.

PART SECOND.

THE RAILWAY COMMITTEE.

Railway Committee constituted.

35. The Governor General may, from time to time, appoint such Members of the Privy Council, to the number of four at least, as he may see fit, to constitute the Railway Committee of the Privy Council, and such Committee shall have the powers and perform the duties assigned to them by this Act.—S. 23.

Duties.

May appoint a Chairman and a Secretary.

36. The Railway Commitee shall appoint one of its members to be Chairman, and the Deputy of the Minister of Public Works or some other fit person appointed by the Committee shall be the Secretary of the Committee.—S. 24.

Railway not to be opened till after one month's notice to Railway Committee of intention to open the same.

37. No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the Company to whom the Railway belongs to the Railway Committee, and until ten days after notice in writing has been given by the Company, to the Railway Committee, of the time when the Railway or portion of Railway will be, in the opinion of the Company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. S. 25.

Penalty for contravention.

38. If any Railway or portion of a Railway be opened without such notices, the Company to whom such Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the notices have been duly given and have expired.—S. 26.

Railway Committee upon report of an Engineer and sanction of Governor in Council may postpone the opening of road.

39. The Railway Committee, upon receiving such notification, shall direct one or more of the engineers attached to the Department of Public Works to examine the Railway proposed to be opened, and all bridges, culverts, tunnels, road crossings and other works and appliances connected therewith, and also all engines and other rolling stock intended to be used thereon, and if the inspecting engineer or engineers report in writing to the Railway Committee that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the ground of such opinion, the Railway Committee, with the sanction of the Governor in Council, and so from time to time, as often as such engineer or Engineers, after further inspection thereof so report, may order and direct the Company to whom the Railway belongs to postpone such opening not exceeding one month at any one time, until it appears to the Committee that such opening may take place without danger to the public.—S. 27.

Penalty for opening con-

40. If any Railway, or any portion thereof, be opened contrary to such order or direction of the Railway Committee,

trary to the order of the Committee.

the Company to whom the Railway belongs shall forfeit to Her Majesty, the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction.—S. 28.

When only such order to be binding on the Company.

41. No such order shall be binding upon any Railway Company unless therewith is delivered to the Company a copy of the report of the inspecting engineer or engineers on which the order is founded. S. 29.

Committee may cause any work to be inspected, and may, on report of Engineer, condemn the Railway or rolling stock, with sanction of Governor in Council, and may order certain alterations in the works, &c.

42. The Railway Committee, whenever they receive information to the effect that any bridge, culvert, viaduct, tunnel, or any other portion of any Railway, or any engine, car, or carriage used or for use on any Railway, is dangerous to the public using the same, from want of repair, insufficient or erroneous construction or from any other cause, or whenever circumstances may arise which, in their opinion, render it expedient, may direct any engineer or engineers as aforesaid to examine and inspect the Railway or any portion thereof, or of the works connected therewith, or the engines and other rolling-stock in use thereon or any portion thereof, and upon the report of the engineer or engineers may condemn the Railway or any portion thereof or any of the rolling-stock or other appliances used thereon, and with the approval of the Governor in Council, may require any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said Railway, and thereupon the Company to which such Railway belongs, or the Company using, running or controlling the same, shall, after notice thereof in writing signed by the Chairman of the Committee and countersigned by the Secretary thereof, proceed to make good or remedy the defects in the said portions of the Railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Committee. S. 30.

Inspecting Engineer may, in case of danger, forbid the running of Trains, &c.

43. If in the opinion of any such Engineer, it is dangerous for trains or vehicles to pass over any Railway, or any portions thereof, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the said Engineer may forthwith forbid the running of any train or vehicle over such Railway or portion of Railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the President, Managing Director, or Secretary or Superintendent of the Company owning, running or using such Railway, or to any Officer having the management or control of the running of trains on such Railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended. S. 31.

Must report to the Committee, who may confirm

44. The Inspecting Engineer shall forthwith report the same to the Railway Committee, who, with the sanction of the Governor in Council, may either confirm, modify or dis-

allow the act or order of the Inspecting Engineer, and such confirmation, modification or disallowance shall be duly notified to the Railway Company affected thereby. S. 32.

or disallow his order.

45. Any Engineer or Engineers so appointed as aforesaid to inspect any railway or works, may at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle-guards, works and buildings, and the engines, cars and carriages belonging thereto. S. 33.

Power of Engineer to examine the works, &c.

46. Every Railway Company and the Officers and Directors thereof shall afford to the Inspecting Engineer or Engineers such information as may be within their knowledge and power in all matters inquired into by them, and shall submit to such Inspecting Engineer or Engineers all plans, specifications, drawings and documents relating to the construction, repair or state of repair of such railway or any portion thereof, whether a bridge, culvert or other part:

Company to afford all necessary information to Engineer.

2. Any such Inspecting Engineer shall have the right, whilst engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such Railway Company;

Engineer to be conveyed by Company.

3. The operators or officers employed in the telegraph offices of or under the control of the Company, shall, without unnecessary delay, obey all orders of any such Inspecting Engineer for transmitting messages, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars;

Telegraph operators to obey his orders.

4. The authority of any such Inspecting Engineer shall be sufficiently evidenced by instructions in writing, signed by the Chairman of the Railway Committee and countersigned by the Secretary thereof. S. 34.

Proof of his authority.

47. The Governor in Council, upon the Report of the Railway Committee, may authorize or require any Railway Company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or moveable bridges on the line of such Railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the Company uses such swing, draw or moveable bridges, the Company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any Railway Company to substitute any swing, draw or moveable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the previous consent of the Railway Committee. S. 35.

Governor may order permanent bridges to be substituted for moveable bridges.

Penalty for neglect.

48. In case where a Railway is constructed, or authorized to be constructed, across any turnpike road, street or other public highway, on the level, the Railway Committee,

Certain powers vested in Railway Committee

with respect to crossing public highways, on a level.

if it appears to them necessary for the public safety, may, with the sanction of the Governor in Council, authorize and require the Company to whom such Railway belongs, within such time as the said Committee directs, to carry such road, street or highway either over or under the said Railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Committee the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by Railway Companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing. S. 36.

Railway Company may be required to repair any level crossing out of repair.

49. Whenever any level crossing on any Railway shall be out of repair, the Chief Officer of the Municipality, or other local division, having jurisdiction over the Railway so crossed, may serve a notice upon the Company in the usual manner, requiring the repair to be forthwith made; and if the Company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the Secretary of the Railway Committee; and thereupon it shall be the duty of the Committee, with all possible despatch, to appoint a day for an examination into the matter; and the Committee shall by mail give notice to such Chief Officer, and to the Company, of the day so fixed; and upon the day so named such crossings shall be examined by an Engineer appointed by the Railway Committee; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the Company to make the same; and the Company shall thereupon, with all possible despatch, comply with the requirement of such certificate; and in case of default the proper authority in the municipality or other local division, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the Company in any Court of competent jurisdiction, as money paid to the Company's use; Provided always, that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such Company in the premises. S. 37.

Inspecting Engineer's certificate to be conclusive.

Proviso.

When the Committee may regulate speed, &c.

50. The Railway Committee, or the Inspecting Engineer or Engineers, may limit the number of times or rate of speed of running of trains or vehicles, upon any railway or portion of railway, until such alterations or repairs as they or he may think sufficient have been made, or until such times as they or he think prudent; and the Company owning, running or using such Railway shall comply forthwith with any such Order of the Railway Committee or Inspecting Engineer, upon notice thereof as aforesaid; and for every act of non-

compliance therewith every such Railway Company shall forfeit to Her Majesty the sum of two thousand dollars. S. 38. Penalty for non-compliance.

51. Every Railway Company shall, as soon as possible, and at least within forty-eight hours after the occurence upon the Railway belonging to such Company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the Railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Railway Committee; and if any Company wilfully omits to give such notice such Company shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues. S. 39. Notice of accidents to be given to the

52. No inspection had under this Act, nor anything in this Act contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any Railway Company of or from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for any thing done or omitted to be done by such Company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such Company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such Company under the laws in force in the Province in which such liability or responsibility arises. S. 40. Inspection not to relieve Company from liability.

53. Every Railway Company, shall, as soon as possible after the receipt of any order or notice of the Railway Committee or Inspecting Engineer, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the *sixty-fourth* section of this Act. S. 41. Company to notify orders of Committee to its officers, &c.

54. All orders of the Railway Committee shall be considered as made known to the Railway Company by a notice thereof signed by the Chairman and countersigned by the Secretary of the Board, and delivered to the President, Vice-President, Managing Director, Secretary or Superintendent of the Company, or at the office of the Company; and orders of the Inspecting Engineer or Engineers shall be deemed to be made known to the Railway Company, by a notice thereof, signed by the engineer or engineers, and delivered as above mentioned. S. 42. What to be deemed sufficient notice thereof.

55. Every Railway Company shall, within one month after the first days of January and July, in each and every year, make to the Railway Committee, under the oath of the President, Secretary or Superintendent of the Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the Return of accidents to be made semi-annually, and what to contain.

Railway of the Company during the half year next preceding each of the said periods respectively, setting forth :

1, The causes and natures of such accidents and casualties ;

2. The points at which they occurred and whether by night or by day ;

3. The full extent thereof, and all the particulars of the same ; and,

4 Shall also at the same time return a true copy of the existing by-laws of the Company, and of their rules and regulations for the management of the Company and of their Railway. S. 43.

Form to be appointed by the Railway Committee.

56. The Railway Committee may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any Railway Company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Committee deem necessary and require for their information with a view to the public safety. S. 44.

Penalty for neglect.

57. If such returns so verified be not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Committee, every Company making default shall forfeit to Her Majesty the sum of one hundred dollars for every day during which the Company neglects to deliver the same. S. 45.

Such returns to be privileged communications.

58. All such returns shall be privileged communications, and shall not be evidence in any Court whatsoever S. 46.

Railway Committee to have, with respect to certain Railways, the powers of the former Railway Commissioners.

59. With respect to all Railways coming within the jurisdiction of the Parliament of Canada, to which the provisions of the Railway Act, chapter sixty-six of the Consolidated Statutes of Canada, apply, the Railway Committee constituted by this Act shall be invested with all the rights and powers vested in the Board of Railway Commissioners under the said Act, collectively, or in any single member thereof ; and such powers may be exercised by the said Committee collectively or by any single member thereof, as the case may be, in the same manner and as effectually as they might have been exercised by the said Board of Railway Commissioners ; but any inspection that may be required in respect of any such Railway, shall be performed in conformity with the provisions of this Act :

And may continue proceedings commenced by R. Commissioners.

2. All proceedings heretofore commenced by the said Board of Railway Commissioners may be taken up and continued ; and all orders and regulations of the said Board, and all penalties and forfeitures, for their contravention, may be enforced and recovered by the Railway Committee in the same man-

ner and with the same effect as they might have been by the said Board before the passing of this Act. S. 47.

TRAFFIC ARRANGEMENTS.

60. The Directors of any Railway Company may, at any time, make agreements or arrangements with any other Company, either in Canada or elsewhere, for the regulation and interchange of traffic passing to and from their Railways, and for the working of the traffic over the said Railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the Railways, or any of them, or any part thereof, and of any Railway or Railways in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two thirds of the stockholders voting in person or by proxy :

One Company may agree with another respecting traffic.

2. But every Railway Company shall, according to their respective powers, afford all reasonable facilities to any other Railway Company for the receiving and forwarding and delivering of traffic upon and from the several Railways belonging to or worked by such Companies respectively, and for the return of carriages, trucks, and other vehicles ; and no Company shall give or continue any preference or advantage to, or in favor of any particular Company, or any particular description of traffic, in any respect whatsoever, nor shall any Company subject any particular Company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever ; and every Railway Company having or working a Railway which forms part of a continuous line of Railway, or which intersects any other Railway, or which has any terminus, station, or wharf of the one near any terminus, station or wharf of the other, shall afford all reasonable facilities for receiving and forwarding by the one Railway all the traffic arriving by the other, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, and so that no obstruction may be offered in the using of such Railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said Railway Companies ; and any agreement made between any two or more Railway Companies contrary to the foregoing provisions, shall be unlawful, null and void ;

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favor.

Agreements made in contravention of this Act to be void.

3. Any Railway Company granting any facilities to any Incorporated Express Company shall grant equal facilities on equal terms and conditions to any other Incorporated Express Company demanding the same ;

Must grant equal facilities to Express Companies.

Penalty on Companies or their officers refusing or neglecting to forward traffic as above required.

4. If any officer, servant or agent of any Railway Company, having the superintendence of the traffic at any Station or Depot thereof, refuses or neglects to receive, convey or deliver at any Station or Depot of the Company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or such Company, for conveyance over or along their Railway from that of any other Company, intersecting or coming near to such first-mentioned Railway, —or in any way wilfully contravenes the provisions of the second subsection of this section,—such first-mentioned Railway Company, or such officer, servant or agent, personally, shall, for each such neglect or refusal, incur a penalty not exceeding fifty 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 the Railway Company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of the Company, or other party so aggrieved;

How recoverable and how to be applied.

Interpretation of word "Traffic."

5. For the purposes of the four next preceding subsections, the word "Traffic" includes not only passengers and their baggage, goods, animals and things conveyed by Railway, but also cars, trucks and vehicles of any description adapted for running over any Railway,—the word "Railway" includes all Stations and Depots of the Railway;—and a Railway shall be deemed to come near another when some part of the one is within one mile of some part of the other. S. 48.

Railway Company, &c.

RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any Railway, and how.

61. The Justices of the Peace for any County in the Provinces of Ontario, Nova Scotia or New Brunswick or Prince Edward Island, assembled at any General or Quarter Sessions of the Peace, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, on the application of the Board of Directors of any Railway Company, whose Railway passes within the local jurisdiction of such Justices of the Peace, Judge, Clerk, or Judge of the Sessions of the Peace, as may be, or on the application of any Clerk or agent of such Company thereto authorized by such Board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such Board of Directors, Clerk or Agent, to act as Constables on and along such Railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:—

Oath of office.

"I, A. B, having been appointed a Constable to act upon "and along (*here name the Railway*), under the provisions of "(*here insert the title of this Act*), do swear that I will well "and truly serve Our Sovereign Lady the Queen, in the said "office of Constable, without favor or affection, malice or ill- "will, and that I will, to the best of my power, cause the "peace to be kept, and prevent all offences against the peace, "and that while I continue to hold the said office, I will, to

"the best of my skill and knowledge, discharge the duties "thereof faithfully, according to law. So help me God."

By whom to be administered.

2. Such oath or declaration shall be administered in either of the Provinces of Ontario, Nova Scotia or New Brunswick, or Prince Edward Island, by any one such Justice, and in the Province of Quebec by any such Judge, Clerk, or Judge of the Sessions of the Peace; and every Constable so appointed, and having taken such oath or made such declaration, shall have full power to act as a Constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts, on such Railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays landing-places, warehouses, lands and premises belonging to such Company, whether the came be in the county, city, town, parish, district, or other local jurisdiction within which he was appointed, or in any other place through which such Railway passes, or in which the same terminates, or through or to which any Railway passes, which may be worked or leased by such Railway Company, and in all places not more than one-quarter of a mile distant from such Railway or Railways; and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any Constable duly appointed has within his Constable-wick; and it shall be lawful for any such Constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or By-laws affecting any such Railway, before any Justice or Justices appointed for any county, city, town, parish, district or other local jurisdiction within which any such Railway may pass; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction;

Powers of such Constables, and to what localities they shall extend.

Duties and powers of such Constables.

Dismissal of any such Constable.

3. Any two Justices of the Peace, in either of the Provinces of Ontario, Nova Scotia or New Brunswick, or Prince Edward Island, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, may dismiss any such Constable, who may be acting within their several jurisdictions; and the Board of Directors of such Railway Company, or any Clerk or Agent of such Company thereto authorized by such Board, may dismiss any such Constable who may be acting on such Railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as Constable for such Railway, without the consent of the authority by which he was dismissed;

Record of appointment

4. Every such Railway Company shall cause to be recorded in the office of the Clerk of the Peace for every county, city,

of each Constable to be kept.

town, parish, district, or other local jurisdiction wherein such Railway or Railways may pass, the name and designation of every Constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such Constable, the date thereof, and the Clerk of the Peace shall keep such record in a book, to be open to public inspection, charging such fee or fees as the Railway Committee may from time to time authorize, and in such form as the Committee may from time direct;

Punishment of Constables guilty of neglect of duty.

5. Every such Constable who is guilty of any neglect or breach of duty in his office of Constable, shall be liable, on summary conviction thereof, within any county, city, district, or other local jurisdiction wherein such Railway may pass, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such Constable be in receipt of a salary from the Railway Company, or to imprisonment, with or without hard labor, for not more than two months, in the gaol of such county, city, district, or other local jurisdiction;

And of persons resisting them.

6. Every person who assaults or resists any Constable appointed as aforesaid, in the execution of his duty, or who incites any person, shall, for every such offence, be liable, on summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labor, for not more than two months. S. 49, *as amended* 41 Vic., c. 3, s. 5.

GENERAL PROVISIONS.

Companies to make by-laws for regulation of conductors and other officers, &c.

62. Every Railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers and other officers and servants of the Company, and by all other Companies and persons using the Railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in the trains on the Railway of the Company, as are requisite for ensuring the perfect carrying into effect of the provisions of this Act, and the orders and regulations of the Railway Committee.—S. 50.

Altering by-laws.

(1.) The Company may, from time to time, repeal or alter such by-laws and make others, provided that such by-laws be not repugnant to the provisions of this Act or the Act incorporating the Company, or any Act or Acts amending any of them.

Form.

(2.) And such by-laws shall be reduced into writing and shall have affixed thereto the common seal of the Company.

Imposing penalties.

(3.) Any of the conductors, engine-drivers, and other officers and servants of the Company or other Railway companies using any Railway, offending against any such by-law shall forfeit for every such offence a sum not exceeding forty dollars, such forfeiture to be imposed by the Company in such by-law as a penalty for every such offence.

(4.) If the infraction or non-observance of any such by-law, by any of the classes in the next preceding sub-section mentioned, be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the Railway, it shall be lawful for the Company summarily to interfere, using no violence or unnecessary force, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law. Summary interference in certain cases.

(5.) No such by-law shall have force or effect unless or until it has been approved by the Governor in Council. Sanction.

(6.) The substance of any such by-law, when approved as aforesaid, if it affects any officer or servant of the Company, may be proved by proving the delivery of a copy to or its receipt by such officer or servant; and if it affects any other Railway Company using the Railway, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed, and continued on the front or other conspicuous part of every wharf or station belonging to the Company, according to the nature or subject-matter of such by-laws respectively, and so as to give public notice thereof to the parties interested therein, or affected thereby; and such boards shall, from time to time, be renewed as often as the by-laws thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such by-law shall be recoverable unless the same shall have been published, and kept published in manner aforesaid. How such by-laws shall be notified to railway servants and the public.

(7.) Such by-laws, when so confirmed, shall be binding upon and be observed by all parties mentioned in the third sub-section of this section, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such by-laws affecting only any other Railway Company using the Railway, it shall be sufficient to prove that a printed paper or painted board, containing a copy of such by-laws, was affixed and continued in manner by this section directed, and in case of its being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be.—38 Vic., cap. 24, sec. 2. What parties to be bound by such by-laws. Proof thereof.

63. Any Railway Company may by a by-law impose upon any officer, servant, or person who before the contravention of such by-law has had notice thereof and is employed by the Company, a forfeiture to the Company of not less than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender. S. 51. Company may impose penalties for contravention of By-laws.

64. The notice of the By-law or of any order or notice of the Railway Committee, or of the Inspecting Engineer or Engineers, may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed. S. 52. How notice of By-laws or Orders may be proved.

When such proof, &c., to be a defence for the Company.

65. Such proof, with a proof of the contravention, shall be a full answer and defence for the Company in any suit for the recovery of the amount so retained, and such forfeiture shall be over and above any penalty under this Act.—S. 53.

Not to impede navigation.

66. No such Company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their Railway is carried.—S. 54.

Railways crossing Rivers, &c., regulated.

67. If the Railway be carried across any navigable river or canal, the Company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge as the Governor in Council from time to time makes.—S. 55.

As to bridges over navigable rivers of Canada.

New.

[2. No Railway Company shall, from and after the first day of 1879, be allowed to pass over any canal, or over the navigable channel of any river, without having first laid such proper flooring under and on both sides of their railway track over such canal or channel, as shall be deemed by the Minister of Public Works sufficient to prevent any thing falling from the railway into such canal or river, or upon the boats or vessels, or craft, or persons navigating such canal or river.—*New*]

Plans to be submitted to the Governor in Council.

68. It shall not be lawful for any such Company to construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Railway Committee, and the same has been approved; and no deviation from such approved site or plan shall be made without the consent of the Committee.—S. 56.

Exception where special powers given by the Special Act.

69. Nothing contained in the three next preceding sections of this Act, shall be construed to limit or affect any power expressly given to any Railway Company by its Special Act of Incorporation or any Special Act amending the same.—S. 57.

When a Railway passes over a swing-bridge, &c., train to stop for three minutes.

70. In all cases where a Railway passes any draw or swing bridge over a navigable river, canal or stream which is subject to be opened for the purposes of navigation, the trains shall in every case be stopped at least three minutes, to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said Railway Company shall be subject to a fine or penalty of four hundred dollars.—S. 58.

Certain sections to apply to

71. Whenever any Railway Company or other road company is lawfully incorporated by an Act of a Provincial Legislature, with power to construct a railway or other road

on a line intersected by any navigable water, and it is necessary for such construction that such road should be carried across or along such navigable water, the *sixty-sixth, sixty-seventh, sixty-eighth and seventieth sections of this Act* shall, subject to the provisions hereinafter made, apply to such Company in respect of the carrying such road by such Company across or along such navigable water.

Provincial Companies crossing navigable waters.

2. Any Company proposing to construct any work under this Act shall give public notice for six weeks, in two newspapers published nearest the site of the proposed work, that the plan and proposed site has been submitted to the Railway Committee of the Privy Council under the *sixty-eighth* section, and that it is intended to apply to the Governor in Council to authorize the work.

Notice to be given by any such Company.

3. Subject to the provisions of the said *sixty-sixth, sixty-seventh, sixty-eighth and seventieth* sections, the Governor in Council may, after the expiration of the notice prescribed by the second sub-section of this section, authorizes such company to carry such road across or along such navigable water, pursuant to a plan and on a site to be approved by the Railway Committee under the said *sixty-eighth* section, upon such conditions as shall appear reasonable: Provided that no unnecessary damage be caused to any lands by reason of the work, and that compensation be made for any damage caused to any lands by reason of the work,—the amount of such compensation in case of disagreement to be settled under the provisions of this Act.

How only the road may be constructed in such places.

4. In case any Company constructs any work under the provisions of this section, such Company shall, as to the work so constructed but no further or otherwise, be subject to the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled: "*An Act respecting Bridges*," and the whole of such work shall be deemed to be "bridge" within the purview of the said Act and subject to all the provisions thereof.

Act respecting Bridges, 36 Vic., c. 25, to apply.

5. Parliament may, at any time, annul or vary any order of the Governor in Council, made under the third sub-section of this section; and no such legislation shall be deemed an infringement of the rights of the Company.

Power reserved to Parliament.

6. No order shall be made under this section to authorize the crossing of the River St. Lawrence or the River St. John. —39 Vic. c. 15, ss. 1 to 6 inclusive.

Not to apply to certain rivers.

72. Every Railway Company which runs trains upon the Railway for the conveyance of passengers shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the

Company to use the best apparatus for communication between conductors and engine-drivers, and for stopping or disconnecting cars, fixing seats in cars, &c.

brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Railway Committee may order.—S. 59.

Penalty for not complying with the 59th section.

73. Every Railway Company which fails to comply with any of the provisions contained in the next preceding section of this Act, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues.—S. 60.

Further precautions at level crossings.

74. Every Railway Company shall station an officer at every point on their line crossed on a level by any other Railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.—S. 61.

Further precautions when one Railway crosses another on a level.

75. Every locomotive or Railway engine or train of cars, on any Railway, shall, before it crosses the track of any other Railway on a level, be stopped for at least the space of one minute.—S. 62.

Or runs through a city, town, &c.

76. No locomotive or Railway engine shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than six miles per hour, unless the track is properly fenced.—S. 63.

Or moves reversely.

77. Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, the Company shall station on the last car in the train a person who shall warn parties, standing on or crossing the track of such Railway, of the approach of such train; and for any contravention of the provisions of this and the three next preceding sections the Company shall incur a penalty of one hundred dollars.—S. 64.

Foot passengers to use foot bridge, if provided for that purpose at level crossing.

78. If the Railway Committee orders any Railway Company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their Railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the Railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the Company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.—S. 65.

No cattle to be allowed to be at large on

79. No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway within half a mile

of the intersection of such highway with any Railway on grade, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection.—S. 66. any highway within half a mile of any Railway.

80. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.—S. 67. Such cattle may be impounded

81. No person, any of whose cattle being at large, contrary to the provisions of section *seventy-nine*, are killed by any train at such point of intersection, shall have any action against any Railway Company in respect to the same being so killed.—S. 68. If killed, owner not entitled to any action.

82. At every road and farm crossing on the grade of the Railway, the crossing shall be sufficiently fenced on both sides so as to allow the safe passage of the trains.—S. 69. Crossings to be fenced.

83. Every railway company shall cause all thistles and other noxious weeds growing on the cleared land or ground adjoining the Railway and belonging to such Company to be cut down and kept constantly cut down, or to be rooted out of the same.—S. 70. Ground belonging to the Company to be cleared of weeds, &c.

84. If any Railway Company fails to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the Mayor, Reeve or Chief Officer of the Municipality of the Township, County or District in which the land or ground lies, or from any Justice of the Peace therein, such Company shall thereby incur a penalty of two dollars to the use of the municipality, and in the Provinces of Nova Scotia and New Brunswick, to the overseer of the poor for the locality, for each day during which they neglect to do anything which they are lawfully required to do by such notice, and the said Mayor, Reeve, or Officer or Justice of the Peace may cause all things to be done which the said Company were lawfully required to do by such notice, and for that purpose may enter by himself and his assistants or workmen upon such lands or grounds, and may recover the expenses and charges incurred in so doing, and the said penalty, with costs of suit, in any Court having jurisdiction in civil cases to the amount sought to be recovered.—S. 71. Consequences of omitting to do so.

85. The interest of the purchase-money or rent of any real property acquired or leased by any Railway Company, and necessary to the efficient working of such Railway, and the price or purchase-money of any real property or thing, without which the Railway could not be efficiently worked, shall be considered to be part of the expenses of working such Interest of purchase money or rent of real property to be deemed working expenses.

Railway,and shall be paid as such out of the earnings of the Railway.—S. 72.

PENAL CLAUSES.

Penalty on persons obstructing free use of Railway.

86. Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the Railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common gaol of the District or County where the conviction takes place, for any term less than two years; or, in the penitentiary, for a term not to exceed five years, and not less than two years. S. 72, ss. 2.

Penalty on persons damaging Railway.

87. All persons willfully and maliciously, and to the prejudice of the railway, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental or relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Railway, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supportingand maintaining the Railway, vessels or works, shall be guilty of a misdemeanor, unless the offence committed amounts, under some other Act or Law, to a felony, in which case such person shall be guilty of a felony, and the Court by and before whom the person is tried and convicted may cause such person to be punished in like manner as persons guilty of misdemeanor or felony, as the case may be, are directed to be punished by the laws in force in Canada.—S. 72, ss. 3.

If the offence be a felony.

Punishment of persons doing any thing to Railway with intent to injure persons or property.

88. If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railway, or breaks down, rips up, injures or destroys any railway track, or railway bridge or fence of any railway or any portion thereof, or places any obstruction whatsoever on any such rail or Railway track or bridge, with intent thereby to injure any person or property passing over or along such Railway, or to endanger human life, such person shall be guilty of misdemeanor, and shall be punished by imprisonment with hard labor in the common gaol of the territorial division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railway, actually suffers any bodily harm, or if any property passing over and along such Railway be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence a felony, and shall subject the offender to punishment by imprisonment in the penitentiary for two years, or in any other prison or place of confinement for any period exceeding one year and less than two years.—S. 73.

And if such damage be actually done.

89. If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railway, or breaks down, rips up, injures or destroys any Railway track or Railway bridge or fence of any Railway or any portion thereof, or places any obstruction whatever on any such rail or Railway track or bridge, or does or causes to be done any act whatever whereby any engine, machine or structure, or any matter or thing appertaining thereto is stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along such Railway, and if in consequence thereof any person be killed or his life be lost, such person so offending shall be guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the penitentiray for any period not more than ten nor less than four years.—S. 74.

And if any person be killed or his life be lost, the offence to be manslaughter.

Punishment.

90. If any person wilfully and maliciously does or causes to be done, any act whatever whereby any building, fence, construction or work of any Railway, or any engine, machine or structure of any Railway, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanor, and be punished by imprisonment with hard labour not exceeding one year, in the common gaol of the territorial division in which the offence was committed or has been tried.—S. 75.

Committing any injury, stoppage, &c., to be a misdemeanor.

91. Every person who bores, pierces, cuts, opens, or otherwise injures any cask, box or package, containing wine, spirits or other liquors or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay or premises of or belonging to any such Railway Company, with intent feloniously to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof, or who unlawfully drinks, or wilfully spills or allows to run to waste, any such liquors, or any part thereof, shall, for every such offence, be liable, on summary conviction before one or more Justices of the Peace, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labor, for not more than one month.—S. 76.

Punishment of persons boring or cutting casks or packages on Railway.

92. Every person willfully obstructing any Inspecting Engineer in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged, immediately, or within such time as the said Justice of the Peace appoints, the same Justice, or any other Justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of General or of Quarter Sessions in the usual manner.—S. 77.

Punishment of persons obstructing Inspectors in the execution of their duty.

Punishment of officers, &c., contravening by-laws, &c.

93. If any officer or servant of, or person employed by any Railway Company, wilfully or negligently contravenes any by-law or regulation of the Company lawfully made and in force, or any order or notice of the Railway Committee, or of the Inspecting Engineer or Engineers, of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof shall, in the discretion of the Court before whom the conviction is had, and according as such Court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment, or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for over two years, shall be in the penitentiary.—S. 78.

Penalty in certain cases, and how recovered.

94. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the Company, in the discretion of the Justice of the Peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one Justice of the Peace having jurisdiction where the offence has been committed, or where the offender is found, on the oath of one credible witness other than the informer. S. 79.

Application of.

95. One moiety of such penalty shall belong to Her Majesty for the public uses of Canada, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of the Company, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses aforesaid. S. 80.

The Company may pay penalty and deduct from wages.

96. The Company may in all cases under the three next preceding sections pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay.—S. 81.

APPLICATION OF PENALTIES.

How penalties recovered and applied.

97. All penalties recovered under this Act, in respect to the application of which no other provision is made, shall be paid to the Receiver General of Canada, to the credit of "The Railway Inspection Fund."—S. 82.

RAILWAY FUND.

98. Every Railway in Canada to which this Act applies, shall, so soon as any portion thereof is in use, pay to the Receiver General an annual rate to be fixed by the Railway Committee, not exceeding ten dollars per mile of Railway constructed and in use; such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund." S. 83. Railway Inspection Fund.

CERTAIN SECTIONS LIMITED.

99. In the construction of the provisions of this Act, from section *thirty-five* to section *ninety-eight*, both inclusive, the expression "Railway Company," or "Company" shall include any person being the owner or lessee of or a contractor working any Railway constructed or carried on under the powers of an Act of Parliament. S. 84. What the words "Railway Company" shall include.

100. The enactments contained in sub-section eighteen of section seven, in sub-section twenty-eight of section nine, and in sub-sections one to seven, both inclusive, of section sixty-two, and subsection four of section twenty-five, of this Act, were declared by the Act thirty-eight Victoria, chapter twenty-four (1875), to apply to every railway company theretofore incorporated or which might thereafter be incorporated and subject to the jurisdiction of the Parliament of Canada, and also to the Governor in Council with respect to all railways constructed by or under the control and management of the Government of Canada, or of any Minister or Department thereof, or being the property of the Dominion of Canada, and they shall so apply accordingly. 38 Vic., c. 24, s. 4. Extent of certain enactments in this Act declared.

101. All the provisions of this Act, except those contained in sections twenty-nine to thirty-four, both inclusive, shall, as provided by the Act forty-one Victoria, chapter three (1878), apply to the Province of Prince Edward Island, unless herein declared to be applicable to one or more only of the Provinces composing the Dominion; but this shall not be construed as a declaration that any part of this Act or of the Acts consolidated in it, did or did not apply to the said Province before the passing of the said Act in 1878; This Act, except sections 29 to 34, to apply to P.E.I.

2. Whenever under any provision of this Act applying to the said Province, application is to be made to a Judge, such application may in the said Province be made to a Judge of the Supreme Court or of a County Court; and the compensation referred to in sub-section 30, of section 9 of this Act, may in the said Province be paid into the office of the Supreme Court, which shall be held to be the Court referred to in sub-sections 31, 32 and 33 of the said section. 41 *Vic., c.* 3, *ss.* 1 *to* 5. As to application to a Judge in the said Province of P.E.I.

102. Subject to the provisions hereinafter made, the Act passed in the thirty-first year of Her Majesty's reign, and Repeal of former Acts.

31 V., c. 68, (1868.) known as "*The Railway Act*, 1868;" the Act passed in the thirty-fourth year of Her Majesty's reign, and 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;" the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act to amend the general Acts respecting Railways;*" the Act passed in the year last mentioned, and intituled "*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;'" the Act passed in the thirty-eighth year of Her Majesty's reign, and intituled "*An Act further to amend the general Acts respecting Railways;*" the Act passed in the year last mentioned, and intituled "*An Act to extend and amend the law requiring Railway Companies to furnish returns of their capital, traffic and working expenditure;*" the Act passed in the thirty-ninth year of Her Majesty's reign, and intituled "*An Act to amend 'The Railway Statistics Act;'*" the Act passed in the year last mentioned, and intituled "*An Act to make provision for the crossing of navigable waters by Railway or other road Companies incorporated under Provincial Acts;*" the Act passed in the same year, and intituled "*An Act to amend the Railway Act*, 1868;" the Act passed in the fortieth year of Her Majesty's reign, and intituled "*An Act to amend 'The Railway Act*, 1868;'" and the Act passed in the forty-first year of Her Majesty's reign, and intituled "*An Act to extend to the Province of Prince Edward Island 'The Railway Act*, 1868," *and certain Acts amending the same*," are hereby repealed and this Act is substituted for them: Provided always, that all Acts or enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired under the Acts hereby repealed, or any of them, shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under the corresponding provisions of this Act, which shall not be construed as a new law but as a consolidation and continuation of the said repealed Acts, subject to the amendments and new provisions hereby made and incorporated with them; and anything heretofore done in pursuance or in contravention of any provision in any of the said repealed Acts which is repeated without material alteration in this Act, may be alleged or referred to as having been done in pursuance or in contravention of the repealed Act in which such provision was made or of this Act; and every such provision shall be construed as having and as having had the same effect and from the same time as under such repealed Act; and any reference in any former Act or document to any such provision in any of the said repealed Acts shall hereafter be construed as a reference to the corresponding provision in this Act.

34 V., c. 43, (1871.)

36 V., c. 80, (1873.)

36 V., c. 51, (1873.)

38 V., c. 24, (1875.)

38 V., c. 25, (1875.)

39 V., c. 14, (1876.)

39 V., c. 15, (1876.)

39 V., c. 32, (1876.)

40 V., c. 45, (1877.)

41 V., c. 3, (1878.)

Proviso as to the effect of such repeal.

How this Act shall be construed and have effect.

MEMORANDUM.

Parts of this Act in which provisions of former Acts, &c., amending "The Railway Act, 1868," are incorporated.

34 Vic., cap. 43—In sections 10, 11, 12, 13, 14 and 25.
36 do 80 do 16, sub-section 6.
36 do 81 do 26.
38 do 24 do 7, sub-sec. 18; 9, sub-sec. 28; 62, sub-secs. 1 to 7.
38 do 25 do 29 to 34, both inclusive, and schedule.
39 do 14 do 32, sub-section 2.
39 do 15 do 71.
39 do 32 do 9, sub-section 22.
40 do 45 do 7 do 15.
41 do 3 do 61 and 101.
New Bill.—In sections 9, sub-secs. 38, 39, 40; 15, sub-sec. 5; 67, sub-sec. 2.

RETURNS BY RAILWAY COMPANIES.

SCHEDULE ONE.

RETURN in pursuance of *The Railway Act*, 1879, by the Railway Company of their authorized Share and Loan Capital, and the sums received in respect of their Ordinary Capital and Preferential Capital, and Debenture Stock, or Funded Debt, on the 31st December, 18 , specifying the rate per cent. of the Dividends for the year 18 , on each of the said Capitals, showing also the Loans outstanding on the 31st December, 18 , classified according to the several rates per cent. of interest, and the Capital subscribed to other undertakings, whether such undertakings are on Lease to, or worked by the subscribing Company, or are independent.

Name of Company.	*Authorized Capital up to the 31st December, 18 , including capital authorized as subscriptions to other undertakings, whether such other undertakings are on lease to, or worked by the subscribing Company, or are independent.			Paid-up Stock and Share Capital at 31st December, 18 , including subscriptions paid up to other undertakings.								
	†By Shares.	By Loans.	Total.	Ordinary.	Rate per cent. of Dividend.	Guaranteed.	Guaranteed Rate of Dividend.	Rate of Dividend paid.	Preferential.	Preferential Rate of Dividend.	Rate of Dividend paid.	Total paid up Stock and Share Capital at 31st Dec., 18 .
	$	$	$	$	$	$	$	$	$	$	$	$

Capital raised by Loans and Debenture Stock at 31st December, 18 .					Total Stock and Share Capital paid up, and Capital raised by Loans and Debenture Stock, at 31st Dec., 18 .	Subscriptions to other Companies.	Remarks.
Loans.	Rate of Interest.	‡Debentures.	Rate of Interest.	Total raised by Loans and Debenture Stock at 31st Dec., 18 .			
$		$		$	$	$	

NOTE.—This Return should be dated and signed by the officer or officers of the company responsible for its correctness.

* This should include all capital authorized to be raised by Acts of Parliament, or by Provincial Legislatures, but should not include capital authorized only for purposes which have lapsed by abandonment or otherwise.

† In cases where a subscription is authorized out of *existing* capital, no addition should be made in respect of it to the sum entered in this column, but only to the sum entered in the last column.

‡ Care should be taken not to confound debenture stock with ordinary debenture loans, and not to enter the same under both heads.

SCHEDULE TWO.

.....Railway of Canada.

RETURN of Traffic for week ending 18 , and the corresponding week, 18 .

Date.	Passengers.		Freight and Live Stock.		Mails and Sundries.	Total.	Miles Open.
18							
18							

Increase.....
Decrease .....

Aggregate Traffic from .....18.....

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles Open.
18					
18					

—38 V. c. 25, *Schedule.*

No. 98.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend and consolidate "The Railway Act, 1868," and the Acts amending it.

Received and read, first time, Monday, 28th April, 1879.

Second reading, Tuesday, 29th April, 1879.

Mr. TUPPER.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

1879.

An Act for the Relief of Eliza Maria Campbell.

WHEREAS Robert Campbell, of the Town of Whitby, in the County of Ontario, in the Province of Ontario and Dominion of Canada, merchant, by his petition to the Senate in the Session of 1876 set forth, that on the sixth day of April, in the year of Our Lord, one thousand eight hundred and sixty-three, he was lawfully married to Eliza Maria Byrne, at Whitby, in the County of Ontario, in accordance with the rites and ceremonies of the Congregational Church of Canada; that the said marriage was duly authorized by license duly issued; that the said Robert Campbell and Eliza Maria Byrne lived and cohabited together as husband and wife from the date of such marriage up to the twenty-fifth day of August, in the year of Our Lord, one thousand eight hundred and seventy-three; that the said Eliza Maria Byrne, although the lawful wife of the said Robert Campbell, did commit adultery with one George Gordon, at various times at the town of Whitby, in the said County of Ontario, in the said Province of Ontario, previous to and during the month of August, in the year of Our Lord, one thousand eight hundred and seventy-three, in particular on the twenty-sixth day of August, in the year of our Lord, one thousand eight hundred and seventy-three, in the said town of Whitby; that the said Robert Campbell made discovery of the said adultery on or about the twenty-eighth day of August, in the year of our Lord, one thousand eight hundred and seventy-three; that the said Robert Campbell had, since the discovery of the said adultery so committed as aforesaid, refused to cohabit, and had not since cohabited with his said wife, and had since lived apart from her; that the said Eliza Maria Byrne had, since the discovery of the said adultery, lived at the town of Whitby aforesaid separate and apart from the said Robert Campbell; that the said Robert Campbell, subsequently to the discovery of the said criminality, brought an action for criminal conversation in Her Majesty's Court of Queen's Bench for Ontario, against the said George Gordon, and recovered a verdict in the said action against the said George Gordon for one thousand five hundred dollars, and entered judgment thereon; that the said Robert Campbell and the said Eliza Maria Byrne so living apart as aforesaid, the said Eliza Maria Byrne brought a suit against the said Robert Campbell in Her Majesty's Court of Chancery for Ontario, seeking to recover and obtain an allowance for alimony from the said Robert Campbell, which said suit was defended by the said Robert Campbell on the ground of said adultery hereinbefore mentioned having been committed by the said Eliza Maria Byrne, and on the fifteenth

day of September, in the year of Our Lord, one thousand eight hundred and seventy-five, the said court did order and declare that the said Bill of Complaint of the said Eliza Maria Byrne be, and the same was thereby, dismissed out of the said court; that the said Robert Campbell was desirous of having the said marriage dissolved, annulled, and put an end to, so that he might be free from the same, and could contract matrimony with any other person or persons with whom it would have been lawful for him to contract matrimony, if the said Robert Campbell and Eliza Maria Byrne had not intermarried; and that there were four children issue of the said marriage; and the said Robert Campbell prayed that the said marriage might be dissolved, annulled, and put an end to, and that the issue of his marriage with the said Eliza Maria Byrne, and also the issue of any such future marriage, might be declared legitimate; And whereas the said Eliza Maria Campbell, by her petition presented during the same session, humbly set forth that she was lawfully married to the said Robert Campbell, in her father's house at Whitby, on the sixth day of April, in the year of Our Lord one thousand eight hundred and sixty-three; that on the twenty-fifth day of August, in the year of Our Lord one thousand eight hundred and seventy-three, about four months before the birth of the fourth and last child, issue of the said marriage, the said Robert Campbell, without sufficient cause, treacherously deserted her, took away from her their three children, and had since lived and kept the said children apart from her; that on the twenty-fourth day of September, in the year of Our Lord one thousand eight hundred and seventy-three, the said Robert Campbell, with force and violence and with two constables, but without warrant, removed her from his house, and had ever since refused to receive her or their youngest child therein; that he had since refused to maintain her or their child, or to furnish them with necessaries according to his means and condition; that he had repeatedly accused her of adultery, and endeavoured to prove her guilty; that she had not been guilty of adultery; that he had petitioned Parliament for the dissolution of his marriage with her; that the said Robert Campbell had treated her with cruelty, and ill-used and insulted her; that there was no prospect of reconciliation; that she, the petitioner, desired to be divorced *à mensâ et thoro;* that there is no Court in Ontario by whose decree such divorce can be effected; that she was without means for her own or for her child or children's support; that the Court of Chancery of Ontario having refused her petition for alimony, she was without means to secure a revision of that judgment, and that she desired to have the care and custody of her youngest child and of her only daughter; and the said Eliza Maria Campbell prayed that the Bill might not be passed without amendments which would make it an Act providing for such a separation between her and the

said Robert Campbell as would be effected in England by a decree for "judicial separation," and compelling the said Robert Campbell to make adequate provision for her support and the support of her children, and giving her the care and custody of at least the two youngest of her children; And whereas the evidence produced by the said Robert Campbell did not prove that his wife, the said Eliza Maria Campbell had ever committed adultery with the said George Gordon, or with any other person; And whereas the evidence produced, as well by the petitioner as by the respondent, proved that the said Robert Campbell had treated his wife, the said Maria Campbell, with cruelty; that he deserted her on the twenty-fifth day of August, in the year of Our Lord one thousand eight hundred and seventy-three; that he had not since lived or cohabited with her; that he had not made any provision for her support and maintenance and for the support and maintenance of their youngest child; And whereas the Senate, in the Session of 1877, granted the prayer of the said Eliza Maria Campbell for a divorce from bed and board, and passed a Bill for that purpose, with provisions for her support and maintenance and for the support and education of her child; And whereas the said Bill was not passed by the House of Commons, on the ground that sufficient notice had not been given of the said Bill according to the rules of that House; And whereas the said Robert Campbell still refuses to receive his said wife into his domicile or to maintain and support her while living apart from him; and whereas the said Eliza Maria Campbell has by her petition prayed that a new Bill may be passed identical in terms as nearly as may be with the said Bill of 1877; And whereas it is expedient to grant the prayer of the said Eliza Maria Campbell for a divorce from bed and board: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. From and after the commencement of this Act, the said Eliza Maria Campbell shall be and shall remain separated from the bed and board of her husband the said Robert Campbell.

2. The separation hereby authorized and provided shall, except as hereinafter provided, have the same force and the same consequences as a judicial separation in England, under a decree for judicial separation pronounced by the proper Court there, at the commencement of this Act.

3. The said Robert Campbell shall pay annually to his said wife for her support and maintenance the sum of five hundred dollars during her separation as aforesaid, in two equal instalments, payable half-yearly, on the first days of May and November in each year.

4. The said Eliza Maria Campbell may, after the commencement of this Act, have the custody and care of one of the children of the said marriage, namely, Francis William Campbell, during her separation as aforesaid.

5. The said Robert Campbell shall pay annually to his wife, the said Eliza Maria Campbell, the sum of two hundred dollars for the support and education of the said child, while he remains in her custody during the separation as aforesaid. The said sum of two hundred dollars shall be payable in equal half-yearly instalments of one hundred dollars, on the first day of May and November in every year during the minority of the said child.

6. If the said Robert Campbell shall neglect or refuse for the space of ten days after the same is due, to pay or cause to be paid into the hands of the said Eliza Maria Campbell or her attorney, lawfully appointed, any one of the said instalments, it shall be lawful for the said Eliza Maria Campbell to apply to a Judge of one of the Superior Courts of Ontario, or to one of the County Judge of Ontario, and the said Judge is hereby authorized and empowered to grant her application for an order to the said Robert Campbell to pay the instalment or instalments then over due, together with the costs of the said application and order, and if he shall disobey the said order, he shall be deemed guilty of a contempt of Court.

7. The said Robert Campbell and the said Eliza Maria Campbell may agree that upon the payment of a certain sum of money in hand. or upon the conveyance of a certain amount of property to her for her sole and separate use, the said Robert Campbell shall no longer be liable to pay the half-yearly instalments aforesaid, or any of them; but no such agreement shall have any force or effect until it has been approved by a Judge of one of the Superior Courts of Ontario, whose approval, after hearing the parties, shall be endorsed on the instrument containing the agreement.

8. Before and until the making and approval of an agreement as aforesaid, this Act may be registered in any Registry Office in Ontario; and such registration shall have the same force and effect as the registration of an Order or Decree of the Court of Chancery, under section forty-four of chapter forty of the Revised Statutes of Ontario.

9. If, and whenever the said Eliza Maria Campbell and Robert Campbell shall become reconciled and cohabit as man and wife, this Act shall thereafter have no further or other operation or effect than a decree for judicial separation would have in England under like circumstances.

No. 100.] **BILL.** [1879

An Act to amend an Act to incorporate the Detroit River Tunnel Company.

Preamble.

WHEREAS the Detroit River Tunnel Company have petitioned for an Act extending the time for the construction and completion of the works authorized by the Act passed in the thirty-third year of Her Majesty's reign, chapter fifty-one, intituled "*An Act to incorporate the Detroit River 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:—

33 V., c. 51.

S. 25 repealed.

New provision.

1. The twenty-fifth section of the Act, passed in the thirty-third year of Her Majesty's reign, chapter fifty-one, is hereby repealed, and the works authorized by the said Act shall be constructed and completed within four years from the passing of this Act.

Powers continued.

2. All the powers conferred by, and provisions contained in the said Act, as hereby amended, may be exercised, and are declared to be and are continued in full force, notwithstanding any lapse of time.

No. 100.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

An Act to amend an Act to Incorporate the Detroit River Tunnel Company.

Received and read first and second times, and referred to Select Standing Committee on Railways, &c., 29th April, 1879.

(PRIVATE BILL.)

MR. KILVERT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 101. **BILL.** [1879

An Act to amend an Act to incorporate the Canada and Detroit River Bridge Company.

Preamble. 36 V., c. 90.

WHEREAS the Canada and Detroit River Bridge Company have petitioned for an extension of the time for the commencement and completion of their works, and for power to construct a Tunnel under the River Detroit in lieu of the Bridge authorized by their Act of Incorporation, if it should appear expedient to them so to do, and also for other amendments to the said Act; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

S. 32 repealed. New provision.

1. The thirty-second section of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter ninety, is hereby repealed, and the Railway Bridge authorized by the said Act, or the Tunnel in lieu thereof authorized by this Act, shall be commenced within two years and completed within six years from the passing of this Act.

Tunnel may be constructed.

2. The said Company shall have power at their option to construct, maintain, work and manage a Railway Bridge across or a Tunnel for Railway and other purposes under the Detroit River, at any such point as is provided in the third section of the said Act.

Act to apply.

3. All the powers, provisions and requirements of the said Act concerning the Bridge thereby authorized to be constructed, shall apply to the said Tunnel, if constructed, in so far as the same may be properly applicable thereto, in like manner as if the the Tunnel had been originally authorized by the said Act instead of a Bridge.

Consolidation powers extended.

4. The power in the twenty-third section of said Act contained authorizing the said Company to unite, amalgamate and consolidate its stock, property and franchises, with the stock, property and franchises of any other Company therein referred to, shall extend and apply to any such other Company or Companies incorporated to construct either a Bridge or Tunnel.

Powers continued.

5. All the powers conferred by and provisions contained in the said Act as hereby amended may be exercised, and are declared to be and are continued in full force notwithstanding any lapse of time.

No. 101.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL

An Act to amend the Act incorporating the Canada and Detroit River Bridge Company

Received and read, first and second times, and referred to Select Standing Committee on Railways, &c., 29th April, 1879.

(PRIVATE BILL.)

Mr. KILVERT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879

No. 101. **BILL.** [1879

An Act to amend an Act to incorporate the Canada and Detroit River Bridge Company.

(Reprinted as amended by the Select Standing Committee on Railways, Canals and Telegraph Lines.)

Preamble. 36 V., c. 90.

WHEREAS the Canada and Detroit River Bridge Company have petitioned for an extension of the time for the commencement and completion of their works, and for power to construct a Tunnel under the River Detroit in lieu of the Bridge authorized by their Act of Incorporation, if it should appear expedient to them so to do, and also for other amendments to the said Act; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

S. 32 repealed. New provision.

1. The thirty-second section of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter ninety, is hereby repealed, and the Railway Bridge authorized by the said Act, or the Tunnel in lieu thereof authorized by this Act, shall be commenced within two years and completed within six years from the passing of this Act.

Tunnel may be constructed.

2. The said Company shall have power at their option to construct, maintain, work and manage a Railway Bridge across or a Tunnel for Railway and other purposes under the Detroit River, at any such point as is provided in the third section of the said Act.

Act to apply.

3. All the powers, provisions and requirements of the said Act concerning the Bridge thereby authorized to be constructed, as well in regard to the submission of the plans to, and the approval thereof, and of the site by, the Governor in Council, as in all other respects, shall apply to the said Tunnel, if constructed, in so far as the same may be properly applicable thereto, in like manner as if the Tunnel had been originally authorized by the said Act instead of a Bridge. Three weeks' notice of the Company's intention to apply to the Governor in Council for the approval of the plans of such Bridge or Tunnel and of the site thereof shall be given by publication in the *Canada Gazette* and in one newspaper published in the County of Essex.

Consolidation powers extended.

4. The power in the twenty-third section of said Act contained authorizing the said Company to unite, amalgamate and consolidate its stock, property and franchises,

with the stock, property and franchises of any other Company therein referred to, shall extend and apply to any such other Company or Companies incorporated to construct either a Bridge or Tunnel.

Powers continued.

5. All the powers and franchises conferred by and provisions contained in the said Act as hereby amended may be exercised, and are declared to be and are continued in full force notwithstanding any lapse of time.

No. 101.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL

An Act to amend the Act incorporating the Canada and Detroit River Bridge Company.

Reprinted as amended by the Select Standing Committee on Railways Canals and Telegraph Lines.

(PRIVATE BILL.)

Mr. KILVERT.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1879.

102

An Act respecting certain Ordnance and Admiralty Lands in the Provinces of New Brunswick and Nova Scotia.

WHEREAS it was agreed between Her Majesty's Government and the Government of Canada, that the military and naval lands mentioned and described in the Schedule to this Act should be transferred to Canada, and in pursuance of that agreement the possession and control of the said lands have been transferred to the Government of Canada; And whereas in order to the execution of the said agreement it is necessary that the legal title to the said lands should be re-vested in Her Majesty for the purposes of Canada, and it is expedient to make provision for the management and disposition of the said lands: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. All the lands comprised in the schedule to this Act, by whatever mode of conveyance the same may have been acquired or taken, whether in fee, for life, for years or otherwise, and all the appurtenances thereof, are and shall be and continue absolutely vested in Her Majesty for the purposes of Canada, and shall be subject to the provisions of the laws relating to public lands, so far as applicable to the same, and shall be held, used, alienated and dealt with accordingly, but subject, nevertheless, to any sales, agreements, leases or agreements to lease heretofore lawfully entered into with respect to them.

2. Nothing in this Act shall affect any right of any party claiming any of the said lands.

3. The said lands shall be divided by the Governor in Council into two classes, to be denominated respectively: Class one and Class two.

2. Lands in either class may from time to time be placed or replaced in the other class by the Governor in Council.

4. Class one shall consist of such parts of the said lands as may from time to time be placed in that class, by order of the Governor in Council.

2. Lands in Class one shall be retained by the Government of Canada for the defence of Canada.

3. Such of the lands in Class one as it is deemed necessary by the Governor in Council to occupy for the defence of Canada in time of peace may be so occupied by such force as shall be lawfully directed by the Governor in Council.

4. Such of the lands in Class one as it is not deemed necessary so to occupy may be leased, or otherwise used, as the Governor in Council may think best for the advantage of Canada.

5. Class two shall consist of such parts of the said lands as may not be in Class one.

2. Lands in Class two may be sold, leased or otherwise used as the Governor in Council from time to time may think meet: Provided always, that such sales shall only be made at public auction, except in the case of lands sold to the Government of a Province for provincial purposes, but no such sale shall prejudice the right acquired by any private party.

3. Provided always, that when any portions of the said lands are in the actual occupation of any person or persons with the assent of the Crown, and improvements thereon have been made, such improvements shall be paid for at a fair valuation before exposing the land to competition, or the Crown may, by private contract, sell the portion or portions of land so occupied to the person or persons in possession without resorting to public auction.

6. The moneys arising from the sale or lease of any of the said lands shall be paid over to the Receiver General, and shall form part of the Consolidated Revenue Fund of Canada, and a separate account shall be kept thereof.

7. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SCHEDULE.

(Referred to in the First Section of this Act.)

NEW BRUNSWICK.

Local Name of the Property, &c.	Origin of the Title.	Contents (nearly).		
		A.	R.	P.
ST. JOHN AND VICINITY.				
Fort Howe, Portland, and land attached	Acquired by deed of exchange, 9th June, 1789 (place of deposit of the deed unknown). Registry Office, Book B., page 170. No. 317.	(Revised.) 16	0	0
Carleton, Martello Tower and Old Block House properties, and the site of Old Fort Point	Acquired partly by purchase in 1827 and partly by undisputed military occupation. Act of Provincial Legislature, 1st May, 1856.	(Approximate.) 5	3	37
Carleton, Reserve Z	Marked "Reserve Z," in City Plan.	(Not given.)		
Carleton, Negro Point Battery and land attached, commanding harbour	Purchased by the Provincial Government in 1864 and made over to the Imperial Government, 15th December, 1864, under certificate of the Solicitor-General of New Brunswick	7	0	28
Red Head Battery, east side of entrance into harbour	Purchased by the Provincial Government in 1864 and made over to the Imperial Government, 15th December, 1864, under certificate of the Solicitor-General of New Brunswick	8	1	3
Partridge Island Battery, barracks, &c., with Queen's Wharf and right of way to battery, &c.	Works of defence erected by virtue of a reservation in the City Charter. The free use of a landing place and roadway were also conceded to the War Department, 19th July, 1859, by the Board of Health	0	2	8
ST. JOHN.				
'Lower Cove Grounds," Dorchester, and other Batteries, Infantry and Artillery Barracks, with accessories, &c.	*Common Lands.* By reservation in City Charter, the Crown had the right to erect barracks, works of defence, &c., commencing about 1794; *vide* also agreement with the Corporation of St. John, dated 16th January, 1858, original in Common Clerk's Office.	26	0	25

Local Name of the Property, &c.	Origin of the Title.	Contents (nearly).		
		A.	R.	P.
FREDERICTON CITY.				
Property known as the "Stone Barracks" (Infantry) and accessories attached complete. Also Officers' Barracks, &c between Queen Street and River St. John, County York...	Originally a military reserve, and under certain deeds of exchange between the War Department and the City Corporation, 1866. *See also* Provincial Acts, 9 Vic., c. 73, and 28 Vic., c. 61.....	8	0	3
Artillery Park Barracks, and several other buildings accessories thereto, on George and Regent Streets, County York.....	No record furnished how this property came into possession of the War Department.	1	2	26
ST. ANDREWS AND VICINITY.				
West Battery Block-house, &c., &c., County Charlotte.....	Reserved for military purposes in the Campbell Grant, 11th October, 1823. ...	2	0	3½
Joe's Point Block-house, near River Ste. Croix, County Charlotte.....	Reserved for military purposes in the Campbell Grant, 11th October, 1823.....	1	0	0
Simpson Reserve on River Ste. Croix, County Charlotte.....	No record of title furnished by Imperial Government.....	22	1	12
Fort Tipperary, Barracks and accessories, Tompkin's Hill, County Charlotte.....	Acquired by exchange and deed of conveyance, 11th March, 1815, and Legislative Act, 7th March, 1814.	9	1	34
OROMOCTO OR THREE TREE CREEK.				
County Sunbury.....	Reserved for military purposes. No date furnished as to the precise time.....	200	0	0
BEAVER HARBOUR.				
East of L'Etang, County Charlotte, near St. Andrews	Reserved for military purposes in 1784.. ...	8	0	0
(Reserve) POMEROY BRIDGE.				
Magaguadavic River, County Charlotte.....	Reserved or acquired for military purposes. Title dated 14th July, 1837. Place of deposit unknown	6	2	0

Local Name of the Property, &c.	Origin of the Title.	Contents (nearly.) A.	R.	P.
PRESQU'ILE (Orignal Record.)				
River St. John, County Charlotte.....	Reserved for military purposes in the Wakefield Grant, 20th June, 1809. Lieut. Governor's warrant of survey, dated 22nd Oct., 1827, in the Provincial Surveyor General's Office.....	676	0	0
GRAND FALLS.				
River St. John, County County of Madawaska.....	Reserved for military purposes, as shewn on plan in the Surveyor General's Office since 1800. Provincial grant to the Ordnance, dated 23rd April, 1845	Total by schedule. 1,548	1	0
LITTLE FALLS.		Total by title deed. 1,571	3	0
Madawaska River, County of Madawaska.....	*For site of Block-house, &c.* By deed of sale from Joseph Hébert, to the Ordnance, dated 22nd August, 1843. No. 9,549, Louis Panet, N.P., Quebec	By Survey 20	3	23
		By title deed 24	3	6
DALHOUSIE.				
Bay Chaleurs, County Restigouche....	Provincial Grant as a military reserve, 7th August, 1838	18	0	0
(Reserve) FORT CUMBERLAND.				
N.E. Shore, Bay of Fundy, County Westmoreland.....	Site of a defensive post, captured from French in June, 1755, known at that time as "Fort Beauséjour".....	72	0	0
		2,658	1	2½

NOVA SCOTIA.

		A.	R.	P.
Shelburne Harbour, Navy and Commissary Islands.....	Under Order in Council, 26th June, 1874, and by deed of conveyance from the Admiralty dated 28th November, 1874...	27	3	0

No 103.] **BILL.** [1879.

An Act to regulate the employment of children and young persons in the mills and factories of the Dominion of Canada.

WHEREAS it is necessary that the hours of labor of children and young persons employed in mills and factories should be regulated, inasmuch as there are great numbers of children and young persons now employed in mills and factories, and their hours of labor are longer than is desirable, due regard being had to their health, morals and means of education: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

Persons under years of age not allowed to work at night in the mills and factories herein described.

1. From and after the passing of this Act no person under years of age shall be allowed to work in the night, that is to say, between the hours of o'clock in the evening and o'clock in the morning, except as hereinafter provided, in or about any cotton, woolen, worsted, hemp, flax, tow, linen, silk or any other mill or factory wherein steam or water or any other mechanical power is or shall be used to propel or work the machinery in such mill or factory, either scutching, carding, roving, spinning, piecing twisting, winding, throwing, doubling, netting, making thread, dressing or weaving cotton, wool, worsted, hemp, flax, tow or silk, either separately or mixed, in any such mill or factory, or in any other process or operation in any mill or factory situate in the said Dominion of Canada.

Persons under years of age not to work more than hours a day.

2. No person under the age of years shall be employed in any such mill or factory in such description of work as aforesaid more than hours in any one day, nor more than hours in any one week, except as hereinbefore or hereinafter provided.

Extension of hours of working in certain cases

3. Provided always, that if at any time in any such mill, manufactory or building situated upon any stream of water, time shall be lost in consequence of the want of a due supply of or of an excess of water, or by reason of its being impounded in higher reservoirs, then and in every such case, and so often as the same shall happen, it shall be lawful for the manager, superintendent, secretary or other person in charge of any such mill, manufactory or building, to extend the time of labor in this Act prescribed, at the rate of hours per week, until such lost time shall have been made good, but no longer; such time to be worked between the hours of of the clock in the morning, and of the clock in the evening: Provided also, that no time shall be recoverable after it has been lost six calendar months. Proviso.

Providing for working up of time lost in cases of accident.

4. Where any extraordinary accident shall happen to the steam-engine, water-wheel, weirs or water-courses, main-shafting, main-gearing or gas apparatus of any such mill, manufactory or buildings, by which not less than three hours' labor at any one time shall be lost, then and in every such case such time may be worked up at the rate of one hour a day in addition to the aforesaid and hereinafter restricted hours of labor for the twelve following working days, but not after.

Loss of time from the want or excess of water provided for.

5. And whereas during the periods of drought and floods and during the time occupied in the repairing of any of the canals, and when it may be necessary to let the water out of the said canals, or when, in consequence of a break in any of the canals, the power of water-wheels on some streams or on the said canal or canals is wholly interrupted or so far diminished that the machinery, or part or parts of the machinery, dependent upon such power cannot be regularly worked at one and the same time, and in consequence thereof a certain portion of the time of such persons as are employed in the working of such machinery may be lost in each day during such periods of drought or floods or breakage. Be it therefore enacted that it shall be lawful for the Manager, Superintendent, Secretary, Overseer or person in charge of any mill, manufactory or building where time is so lost, then and in every such case and, so often as the same shall happen, to extend the hours between which persons under the age of years of age are hereinbefore allowed to work (*Videlicet*) from of the clock in the morning till of the clock in the evening, as hereinbefore limited,

Proviso.

to such period as may in such case be necessary to prevent the loss of time, and no longer: Provided always, that no child or young person within the respective ages prescribed by this Act, shall be actually employed a greater number of hours within the twenty-four hours of any one day than this Act declares to be lawful; and provided also, that no

Proviso.

child under years of age shall be employed after the hour of of the clock in the evening nor before the hour of of the clock in the morning.

Time for meals.

6. There shall be allowed in the course of every day not less than hours for meals, to every such person restricted as hereinbefore provided to the performance of hours' work daily: Provided always, that in

Meals not to be taken in certain parts of glass, paper, or match factories.

the manufacture of glass, or stained paper, or lucifer matches, no child, young person, or woman shall be allowed to take his or her meals in any part of the factory where the materials are mixed, or in the manufacture of flint glass, where the work of grinding, cutting and polishing is carried on; and any child, young person or woman, allowed to take his or her meals in contravention of the said provision shall be deemed to be employed in manner contrary to the provisions of this Act.

Employment of children under

7. From and after the passing of this Act it shall not be lawful for any person whatsoever to employ in any factory or mill, as aforesaid, except in mills for the manufacture of

silk, any child who shall not have completed his or her year of age. years prohibited.

8. From and after the expiration of after the passing of this Act it shall not be lawful for any person whatsoever to employ, keep or allow to remain in any factory or mill as aforesaid, for a longer time than hours in any one week, nor for a longer time than hours in any one day, except as herein provided, any child who shall not have completed his or her year of age, or after the expiration of from the passing of this Act, any child who shall not have completed his or her year of age, or after the expiration of from the passing of this Act, any child who shall not have completed his or her year of age: Provided nevertheless, that in mills for the manufacture of silk, children under the age of years shall be allowed to work hours in any one day Employment of children for more than hours a day prohibiteed. Proviso as to silk mills.

9. All children and young persons whose hours of work are regulated and limited by this Act, shall be entitled to the following holidays, *videlicet*: On Christmas Day and Good Friday, the birthday of the Sovereign and Dominion Day, the entire day, and not fewer than eight half days besides in every year, such half days to be at such period or periods, together or separately, as may be most desirable and convenient, and as shall be determined upon by the master of such children and young persons: Provided nevertheless, that the Inspector of factories, on proof to his satisfaction that the customs or exigencies of the trade require the alteration to be made, may by order to be advertised in the *Canada Gazette*, or otherwise published, in such manner as the Inspector may think fit, give permission with respect to any particular factory or class of factories for any one or more of the following things, namely:— Holidays to be allowed.

(*a.*) That whole holidays in any year may be allowed as a substitute for the half holidays required to be given to every child, young person or woman by this Act; or—

(*b.*) That the half holidays required to be given by this Act to all the children, young persons and women employed may be given on different days to any of the children, young persons and women, or to any sets of such children, young persons and women, and not at the same time; or—

(*c.*) That children, young persons or women may be employed between and of the clock in the afternoon on Saturday, provided that in any such factory or factories arrangements are made to the satisfaction of the Inspector for giving on some work-day in every week to every child, young person or woman, so employed a half holiday of equal length, either at the beginning or at the end of their day's work, or—

(*d.*) That in any factory or factories where such Inspector has given permission to work between the hours of in the morning and in the evening, or of in the morning and in the evening, children, young persons and women may be employed on Saturday, or any other day on which the weekly half holiday is given between the hours of in the morning and in the afternoon, or between in the morning and in the afternoon ; or—

Validity of surgeon's certificates.

(*e.*) Surgical certificates given by a Surgeon-Inspector shall not be invalid solely on account of the employment of the child or young person named in such certificate in a factory other than that for which the certificate was originally granted if such factory is within the district of such Surgeon-Inspector ;

Age when may be employed as grown-up persons.

(*f.*) That male young persons of not less than years of age may be employed in the same manner as if they were male persons exceeding the age of years.

Children may be employed for full restricted time.

10. If any child within the age hereinbefore restricted to hours of day labor shall have been employed in any one day for less than hours in one factory or mill, it shall be lawful for any person to employ such child in any other factory or mill on the same day for the residue of such hours ; Provided that such employment in such other mill or factory shall not increase the labor of such child to more than hours in any one day, or to more than hours in any one week.

Proviso.

Children not to be employed without surgeon's certificate.

11. From and after the expiration of after the passing of this Act it shall not be lawful for any person to employ, keep, or allow to remain in any factory or mill, any child who shall not have completed his or her year of age, without such certificate as is hereinafter mentioned, certifying such child to be of the ordinary strength and appearance of a child of the age of years, nor from and after the expiration of after the passing of this Act, any child who shall not have completed his or her year of age without a certificate of the same form. Nor from and after after the passing of this Act, any child who shall not have completed his or her year of age without a certificate of the same form, which certificate shall be taken to be sufficient evidence of the ages respectively certified therein ; and a Surgeon-Inspector shall not grant any surgical certificate required by this Act, except upon personal inspection of the person named therein, and no Surgeon-Inspector shall examine any person for the purposes of this Act, or sign or issue any such surgical certificate elsewhere than at the factory where such person is to be employed, unless for special cause to be allowed by the Inspector : and if a Surgeon-Inspector shall refuse to grant a certificate of age for any person presented to him for such examination, he shall give, when required, instead of such certificate, a paper specifying under his hand the reasons

Personal inspection at factory required.

for such refusal in the form and directions given in the Schedule to this Act annexed:

Certifioate of real age may be obtained.

And in case any person shall be desirous of proving the real age of any person, for whom a Surgeon-Inspector shall have refused to grant a certificate of age for the purposes of this Act, or whose certificate the Inspector shall have annulled, the Inspector or Surgeon-Inspector shall, on demand, give to such person a requisition under his hand in a form to be approved of by the Inspectors and by the Secretary of State, for the production of a duly certified copy of the entry of the birth or baptism of such person, provided the party demanding the same shall declare the names of such person and of his parents, with the place, where and the year in which he was born or baptized, which particulars shall be set forth in the requisition, and every party to whom such requisition shall have been given shall be entitled, upon payment of to receive on personal application, or on application in writing in such form and under such regulations as shall be approved of by the Inspectors and Secretary of State, from any minister, registrar or other person having the care of any register of births or baptisms in which the birth or baptism of such person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the minister, registrar or other person having charge of such register, and such payment of shall be instead of all other fees or payments, to which such minister, registrar or other person shall be entitled, and if the said certified copy proving the age of the person named therein to be such as to entitle him to have the surgical certificate required, shall be produced to the Surgeon-Inspector he shall examine the same, and if it shall appear to him that the said certified copy has not been altered or falsified in any way, the Surgeon-Inspector shall thereupon, without further fee or reward, give a surgical certificate in the form provided for that case in schedule to this Act annexed, and shall write the word "examined" upon the certified copy of the entry of the birth or baptism which he shall have received, with his signature and the date of such signature, and shall send such certified copy by the post to the Inspector, who shall send a receipt for the same by post to the said Surgeon-Inspector, and shall keep such certified copy of the entry of the birth or baptism for future reference, if necessary; and if any Inspector of factories shall require a certified copy of the entry of the birth of any person employed in any factory from the office of the he or any person employed or deputed by him shall, on procuring a requisition in the form hereinbefore provided, be entitled to examine the indexes of the registers in the and to receive such certified copy indorsed on the requisition without the payment of any fee, but no certified copy of the entry of any birth or baptism issued in consequence of any such requisition hereinbefore provided shall be admissible in evidence in any Court, or for any purpose save for the purposes of this Act. Provided always that in those cases in which a surgical certificate shall have been refused or annulled in consequence of deficient

Proviso: Persons not to be em-

ployed if deficient in health.

health or strength, or by reason of disease or bodily infirmity, the Inspector or Surgeon-Inspector shall not sign the requisition hereinbefore mentioned, and such person shall not be employed on proof of real age only :

Surgeon's certificate to be obtained before the person is employed, and to serve only for original factory.

And that before employing any person requiring a surgical certificate under this Act, the manager, superintendent, secretary, overseer or person in charge of the factory shall obtain the surgical certificate, save as hereinafter excepted, and shall keep and be bound to produce every such certificate when required to the Inspector or Surgeon-Inspector ; and no surgical certificate shall be valid except for employment at the factory for which it was originally granted, or if granted by a Surgeon-Inspector of any other factory under the management and control of the same person who is manager, superintendent, secretary, or overseer of the factory for which the certificate was originally granted, provided such other factory be in the district of the Surgeon-Inspector who granted the certificate, and the certificate be produced in the factory where the person named in the certificate is at work ; and the Surgeon-Inspector, as often as he shall visit a factory for the purpose of granting certificates, shall enter in the register of workers the date of his visit and the other particulars set forth in the form and according to the directions given in schedule to this Act annexed :

Certificates may be dispensed with in certain cases.

Provided always, that no manager, superintendent, overseer or person in charge of any factory, shall be liable to any penalty for employing any person in any manner not contrary to the provisions to this Act, without a surgical certificate, for any time not exceeding working days, or when the Surgeon-Inspector shall reside more than three miles from the factory, for any time not exceeding working days ; Provided all surgical certificates for that factory be granted only by the Surgeon-Inspector appointed for that factory ; but this enactment shall not be construed to dispense with the certificate of school attendance, or to authorize the employment of any person in respect of whom the Surgeon-Inspector shall have refused to grant such surgical certificate.

Proviso : Certificates must be granted by Surgeon-Inspector of factory.

No penalties against persons above required age.

12. Provided nevertheless, that the penalties and punishments hereinafter or hereinbefore provided against any person not requiring or not receiving such certificate, shall not be levied if, upon the complaint or proceeding for the enforcement of such penalties, it shall appear to the satisfaction of the Police Magistrate or Justice of the Peace by or before whom such proceeding shall be had, that the person so employed more than hours in the day, or between the hours of o'clock in the evening or o'clock in the morning, without such certificate, was, at the time of the alleged offence, above the age of

Form of surgical certificate.

13. The certificates hereinbefore required in the case of children under the age of years respectively shall be in the form and according to the directions in schedule to this Act annexed.

14. In case any Police Magistrate or Justice of the Peace shall refuse to countersign any such certificate, he shall state in writing his reasons for such refusal, and the parents of such child may thereupon take the certificate to the County Judge of the county or district in which the child resides, who is hereby empowered and required to decide upon the validity of such refusal; and every such act of any such County Judge shall be free of all charge, cost or expense whatsoever. Provision if Magistrate refuses to countersign certificate.

15. Within three months after the passing of this Act it shall be lawful for the Governor-General in Council to appoint one Inspector of factories and places where the labor of children and young persons under years of age is employed, for each of the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, and at such time hereafter as may be deemed expedient for each of the Provinces of Manitoba and British Columbia, and in the case of the death or dismissal or resignation of any of them to appoint another in the place of such deceased dismissed or resigned Inspector, which said several Inspectors shall carry into effect the powers, authorities and provisions of the present Act in their respective Provinces; and such Inspectors or any of them are hereby empowered to enter any factory or mill over which he or they may have jurisdiction under the provisions of this Act, and any school attached or belonging thereto, at all times and seasons, by day or by night, when such mills or factories are at work, and having so entered to examine therein the children and any other person or persons employed therein, and to make enquiry respecting their condition, employment and education; and such Inspectors, or any of them, are hereby empowered to take or call to their aid in such examination and inquiry such persons as they may choose, and to summon and require any person upon the spot or elsewhere to give evidence upon such examination and enquiry, and to administer to such persons an oath. Appointment of Inspectors of factories. Powers and duties of.

16. The said Inspectors or any of them shall have power, and are hereby required, to make all such rules, regulations and orders as may be necessary for the due execution of this Act; and such Inspectors are also hereby authorized and required to enforce the attendance at school of children employed in factories, according to the provisions of this Act, and to order tickets, or such other means as they may see fit, for vouchers of attendance at school, and such Inspectors are hereby required to regulate the custody of such tickets or vouchers, and such Inspectors may require a register of them to be kept in every school and factory; and such Inspectors are hereby also authorized and required to order a register of the children employed in any factory, and of their sex and hours of attendance, and of their absence on account of sickness, to be kept in such factory; and all registers, books, entries, accounts and papers kept in pursuance of this Act shall be at all times open to such Inspectors; and such Inspectors may take or cause to be taken for their own use such Further powers and duties of Inspectors for enforcement of this Act.

copy as they may think proper, and such Inspectors shall also make such regulations as may be proper to continue in force any certificates, tickets or vouchers required by this Act, and such certificates, tickets or vouchers so continued in force shall have the same operation and effect as new certificates, tickets and vouchers; and such Inspector shall order, and is hereby authorized to order, the manager, superintendent, secretary or other person in charge of any factory or mill to register, or cause to be registered any information with relation to the performance of any labor in such mill or factory, if such Inspector deem such information necessary to facilitate the due enforcement of any of the provisions of this Act, or of any of the regulations which may be made under the authority of this Act; and such Inspector is hereby authorized to order such manager, superintendent, secretary, overseer or person in charge of any mill or factory to transmit in such manner as may be directed in such order, any information with relation to the persons employed or the labor performed in such mill or factory that such Inspector may deem requisite to facilitate the performance of his duties or any inquiry made under the authority of this Act.

Appointment of Surgeon-Inspectors.

17. It shall be lawful for the Governor-General in Council to appoint for any county, village, town or city or place, in which any factory or mill may be situated, a Surgeon-Inspector, who shall be a legally qualified medical practitioner, according to the laws of the Province in which he may reside, and in which the factory or mill over which he shall have supervision may be situated, to superintend, under the direction of the Inspector for such Province, the execution of the provisions of this Act, and of all rules, regulations and orders made under the authority thereof, and such person shall be paid by such salary or by such fees as may be determined by the Governor-General in Council; and such person so appointed shall have authority to enter any school-room, counting-house, or any part of any factory or facturing processes, and if any constable or peace officer mill, excepting such part or parts as may be used for manu- shall be required by any Inspector or Surgeon-Inspector to perform any continuous service, it shall be lawful for such Inspector to allow a special recompense to such constable or peace officer for such service: Provided, nevertheless, that any such orders may be altered or disallowed by the Governor-General in Council, upon complaint made by memorial from any party interested.

Salary and powers of.

Proviso: Disallowance of his orders

Certain children in factories to attend school.

18. From and after the expiration of from the passing of this Act, every child hereinbefore restricted to the performance of of labor in any one week shall, so long as such child shall be within the said restricted age, attend the public or common school nearest the residence of such child, unless the parent or guardian of such child shall be a supporter of a separate school, when, and in such case, the child shall attend the separate school of which the parent or guardian is a supporter.

Owners, &c., of factories to obtain certificate of child's attendance at school.

19. After the passing of this Act the owner, manager, superintendent, secretary, overseer, or person in charge of every mill or factory shall, before employing any child therein, obtain from a school teacher a certificate according to one of the forms and according to the directions given in the schedule marked to this Act annexed, that such child had attended school for at least days and not less than hours during the immediately preceding the first day of the employment of such child; or if it shall have left the said mill or factory and shall be again employed therein, the said school attendance shall, during the immediately preceding the first day of such re-employment, and such school attendance shall be after the hour of of the clock in the morning and before the hour of of the clock in the evening, but no attendance of less than hours on any one day shall be reckoned as any part of the said hours, nor shall any attendance on any one day for more than hours be reckoned for more than hours, and a like certificate shall be obtained at the beginning of each period of calendar months during which the employment of such child shall be continued in that mill or factory, and such owner, manager, superintendent, overseer, or person in charge shall keep every such certificate so long as such child shall continue in his employment for calendar months after the date thereof, and shall produce the same to any Inspector or Surgeon-Inspector when required during such period.

Penalty for keeping child on mill premises more than hours.

20. If any child within the several ages hereinbefore restricted to the performance of hours of day labor shall be kept or allowed to remain in any room or place whatsoever where any machinery is used, or shall be kept or allowed to remain on any premises within the outer walls of any factory or mill for any longer time than hours during any one day, or for any longer time than the residue of such hours in the case of any child which has been previously employed for any shorter time during the same day in any other factory or mill, the owner, manager, superintendent, overseer, or person in charge of such factory or mill, without any evidence of the employment of such child, shall be liable to the same penalty and punishment as for employing such child for such longer period: Provided, nevertheless, that no place, yard, or playground open to the public view, shall be considered part of the premises on which children shall not be allowed to remain beyond the hours hereinbefore stated. And be it further provided, that the children may be allowed to remain in any school-room attached to such factory or mill, or in any other waiting-room or parts of the premises where no machinery is used and which shall at all times be open to the inspection of the Inspector, Surgeon-Inspector or any peace officer duly appointed under the provisions of this Act.

Exception as to playgrounds and schools.

Notice of any general order made by Inspector.

21. The notice of any general order or regulation applying to more than one mill or factory made by any Inspector, if published for two successive weeks in one or more newspapers published in the city, town, place or county

where any such mill or factory is situate, shall, in all cases, at the end of seven days after the second publication thereof, have the same effect in attaching a responsibility upon any offender against such order or regulation as a notice personally served upon such offender. Provided, nevertheless, that such notice shall not be to the exclusion of any other special notice which any Inspector or Surgeon-Inspector may deem expedient or proper.

Interior walls of mills to be limewashed, and ceilings whitewashed.

22. The interior walls, except such parts as are painted, of every mill or factory or building where the process of manufacturing is carried on, shall be lime-washed, and the ceilings of all rooms which have rooms or lofts above them, and all ceilings which are plastered, shall be whitewashed in the months of April and of October of each and every year unless permission to the contrary in writing be granted by the Inspector, except in bleaching and dyeing works.

Abstract of Act and regulations to be hung up in mills.

23. A copy or copies of an abstract of this Act, and also such copy or copies of any regulation or regulations made in pursuance of this Act as any Inspector shall direct, shall be hung up and fixed in a conspicuous part or in the several departments of every mill or factory ; and such copy or copies of such abstract and of such rules or regulations so hung up and affixed, shall be signed by the master, or manager, or overseer of such mill or factory, and such copy or copies shall be renewed by such master, manager or overseer so often as the Inspector or Surgeon-Inspector may direct.

Punishment for forging certificates, etc.

24. If any person shall give, sign, countersign, indorse, or in any manner give currency to any false certificate, knowing the same to be untrue, or if any person shall forge any certificate, or shall forge any signature or indorsement on any certificate, or shall knowingly and wilfully give false testimony on any point material to any certificate of any Inspector, Surgeon-Inspector or school teacher, such person shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any Police Magistrate or Justice of the Peace, be liable to be imprisoned in the county gaol for any period not exceeding two months.

Penalty for acting and employing children contrary to the provisions of this Act.

25. In case of the employment of any child contrary to the provisions of this Act, or for a longer time than is hereinbefore limited and allowed, or without a due compliance with the provisions of this Act, touching the education of children or the certificates of the surgeon-inspectors, police magistrates or justices of the peace, the parent or parents of such child, or any person having any benefit from the wages of such child, shall be liable to a penalty of not more than dollars, nor less than dollars, unless it shall appear to the satisfaction of the Police Magistrate or Justice of the Peace that such unlawful employment has been without the wilful default of such parent or person so benefitted as aforesaid.

Agents and servants to be personally responsible for offences against this Act.

26. If any offence shall be committed against this Act for which the master of any mill or factory is legally responsible, and it shall appear to the satisfaction of any Police Magistrate or Justice of the Peace that the same has been committed without the personal consent, concurrence or knowledge of such master, by or under the authority of some agent, or servant, or workman of such master, it shall be lawful for such Police Magistrate or Justice of the Peace to summon such agent, or servant, or workman before him to answer for such offence, and such agent, or servant, or workman shall be liable to the penalties and punishment for such offence herein provided, and such Police Magistrate or Justice of the Peace shall convict such agent, or servant, or workman in lieu of such master.

Penalty as respects employer for offences against this Act.

27. If any employer of children in any factory or mill shall, by himself or by his servants or workmen, offend against any of the provisions of this Act, or any order or regulation of any Inspector made in pursuance hereof, such offender shall for such offence (except in the case of any offence for which some other penalty or punishment is specially provided) forfeit and pay any sum not exceeding dollars nor less than dollars, at the discretion of the Police Magistrate or Justice of the Peace before whom such offender shall be convicted;

Proviso: Mitigation of penalty.

Provided, nevertheless, that if it shall appear to such Police Magistrate or Justice of the Peace that such offence was not wilful nor grossly negligent, such Police Magistrate or Justice of the Peace may mitigate such penalty below the said sum of dollars, or discharge the person charged with such offence.

Penalty for obstructing Inspectors.

28. If any person shall knowingly and wilfully obstruct any Inspector or Surgeon-Inspector in the execution of any of the powers entrusted to him by this Act, such person shall for every such offence forfeit and pay a sum not exceeding dollars.

Jurisdiction of Inspector over constables, etc.

29. Each Inspector shall have the same powers, authority and jurisdiction over Constables and Peace Officers as regards the execution of the provisions of this Act, as may by law be exercised by Her Majesty's Justices of the Peace over such Constables and Peace Officers.

Proceedings under this Act may be had before J. P.

30. All proceedings for the enforcement of any penalty or punishment imposed by or under the authority of this Act, may be had before a Police Magistrate or Justice of the Peace acting in or for the city, town, place, county or division where the offence shall be committed, and the Police Magistrate or Justice of the Peace before whom any person shall be sumarily convicted and adjudged to pay any sum of money for any offence against this Act, may adjudge that such person shall pay the same either immediately or within such period as such Police Magistrate or Justice of the Peace shall think fit, and in case that such sum of money shall not be paid immediately, or at the time so appointed, the same shall be levied by distress and sale of the goods and chattels

Distress and imprisonment

of the offender, together with the reasonable charges of such distress, and for want of sufficient distress, such offender shall be imprisoned in the common gaol for any term not exceeding one calendar month where the sum to be paid does not exceed dollars, or for any term not exceeding two calendar months in any one case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

Complaints to be preferred at Inspector's visit, after notice.

31. All complaints for offences against this Act shall be the preferred at or before the time of the visit duly notified of the Inspector or Surgeon-Inspector next after the commission of such offence, and written notice of the intention to prefer the complaint for such offence shall by the complainant be given within fourteen days after the commission of such offence to the party or parties complained against; Provided always, that no more than one penalty for the repetition of the same offence shall be recoverable, except after the service of the written notice as aforesaid.

Proviso: Repetition of offence.

In case of partnership one name sufficient in summons.

32. It shall not be deemed necessary, in any summons or warrant issued in pursuance of this Act, to set forth the name or other designation of each and every the partners in any such mill or factory, but it shall be lawful to insert in such summons or warrant the name of the manager, superintendent, secretary, overseer or person in charge of such mill or factory, or the title of the firm or company employing the workpeople of every such mill or factory, as usually designated and known.

Issue of summons for offences against Act.

33. A summons for an offence against this Act shall be issued by a Police Magistrate, or by any Justice of the Peace, upon complaint being made to him in writing by an Inspector or Surgeon Inspector, or upon oath before him by any other person, that to the best of the knowledge and belief of the Inspector, Surgeon-Inspector or such other person, such an offence has been committed.

Service of summons.

34. The service of such summons or warrant on any manager, superintendent, secretary, overseer or person in charge of any such mill or factory, shall be good and lawful service.

J. P., etc., may enforce attendance of witnesses.

35. Any Police Magistrate or Justice of the Peace, upon any complaint under this Act, may summon any witness to appear and give evidence at any time and place appointed for hearing such complaint, and by warrant under his hand and seal may require any person to be brought before the Police Magistrate or Justices of the Peace, by whom the complaint shall be heard, who shall neglect or refuse to appear at the time and place appointed in any summons,—proof, upon oath, being first given of personal service of the summons upon the person against whom such warrant shall be granted,—and may commit any person coming or brought before such Police Magistrate or Justices, who shall refuse to give evidence, to the common gaol of the place or county where such offence was

committed, there to remain for any time not exceeding month , or until such person shall sooner submit himself to be examined; and in case of such submission, the order of any Police Magistrate or Justice of the Peace shall be a sufficient warrant to any gaoler for the discharge of such person.

Form of conviction.

36. Every conviction under this Act before a Police Magistrate or Justice of the Peace, may be made according to the form in the schedule to this Act annexed.

Errors in form, name, nature of factory, etc., not to vitiate proceedings.

37. No information, conviction or other proceeding or any complaint for an offence against this Act shall be quashed or deemed illegal for matter of form, or for any averment unnecessary to be proved, or the omission of any word in any case in which such insertion or such omission respectively do not effect the essence of the offence, nor for the wrong designation of a name, or time, or place where the person, time and place intended shall have been so stated as to have been in the opinion of the Police Magistrate or Justices of the Peace, by whom the complaint shall have been heard, clearly understood by the person charged with such offence; and it shall not be necessary in any information, conviction or other proceeding under this Act to define the process carried on in such factory, or nature of the power by which the machinery of such factory is moved, or to set out that the factory or process of employment referred to is not within any of the cases excepted, provided that it be therein stated that such factory is a factory within this Act, and the proof of being within any such excepted case shall lie upon the party claiming the benefit of such exception.

Appeal from conviction, after notice, recognizance, etc.

38. Any person aggrieved by any such conviction for which an appeal is allowed by this Act, may appeal to the next Court of Quarter Sessions or County Court which shall be holden in the county or other jurisdiction wherein the cause of complaint shall have arisen. Provided, that the person so intending an appeal shall give to the Inspector or Surgeon-Inspector of the district notice in writing of such appeal, and of the cause and matter thereof, within days after the conviction or order, and clear days, at least, before such County Court or Court of Quarter Sessions, and shall also enter into a recognizance with two sufficient sureties before a Police Magistrate or Justice of the Peace for the county or other jurisdiction clear days, at least, before such court, conditioned personally to appear at the said court and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as shall be by the court awarded, and the Court shall hear and determine the matter of appeal and shall make such order thereon as to the court shall seem meet, and in the case of the dismissal of the appeal or the affirmance of the conviction or order, the court shall adjudge and order the party to be punished according to the conviction or to obey the order appealed against, and to

pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

Application of penalties.

39. Any Police Magistrate or Justice of the Peace by whom any complaint under this Act is determined shall, if he so thinks fit, give to the complainant or prosecutor one-half of any penalty imposed for any offence against any of the provisions of this Act, together with all costs of prosecution and conviction, and the remainder of the penalty or the whole, if he shall think fit, shall be applied as such Inspector, Surgeon-Inspector, Police Magistrate or Justice of the Peace may direct, for the benefit of any school wherein children employed in mills or factories are educated, in such place where such offence shall be committed. Provided always, that only one penalty shall be recoverable for any one description of offence from any one person for any one day, and that it shall be deemed necessary for the complainant or prosecutor to name in any summons the particular place in which such offence shall have been committed; but it shall be lawful in such summons to set forth the name of the city, town, village, township or county where such offence may have been committed. Provided always, that such summons shall be issued upon complaint being made upon oath.

Restriction as to penalties recoverable.

Proviso: Summons issued on oath.

Place for sittings of J. P., etc.

40. Every Police Magistrate or Justice of the Peace shall be and is hereby authorized to provide a convenient place for holding any sitting, and the expense of providing such place shall be defrayed in the manner and proportions, and by the person or persons herein appointed for the payment of any special remuneration to any constable or peace officer.

Inspector to report semi-annually to Secretary.

41. Every Inspector shall keep full minutes of all his visits and proceedings, and shall report the same to the Secretary of State for the Dominion of Canada twice in every year, and oftener if required; and shall also report the state and condition of the factories or mills, and of the children employed therein, and whether such factories or mills are or are not conducted according to the directions of this Act.

Rules and regulations of Inspectors to be uniform.

And whereas it is expedient that the proceedings, rules, orders and regulations of the several Inspectors appointed under this Act should be as nearly alike as is practicable under all circumstances; therefore, such Inspectors are hereby required within three months next after they shall have commenced the execution of their several duties and powers under this Act, and twice, at least, in every year afterwards, to meet and confer together at the city of Ottawa, respecting their several proceedings, rules, orders, regulations, duties and powers under this Act, and at such meeting to make their proceedings, rules, orders and regulations as uniform as is expedient and practicable; and such inspectors are hereby required to make and keep full minutes of such meetings, and to report the same to the said Secretary of State when they make the report hereinbefore required.

Persons starting factories to send particulars to Secretary of State.

42. After the passing of this Act, every person on beginning to occupy a factory shall, within one month, send, addressed to the Secretary of State at Ottawa, a written notice containing the name of the factory, the village, or town, or city, or township, or county, and province where it is situated, the Post Office to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the factory is to be carried on.

Protection of workers in wet spinning, etc.

43. After the expiration of months after the passing of this Act, no child or young person shall be employed in any part of a factory in which the wet spinning of flax, hemp, jute or tow is carried on unless sufficient means shall be employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

Precautions to be taken as to machinery in motion.

44. No child or young person shall be allowed to clean any part of the mill gearing in a factory, while the same is in motion, for the purpose of propelling any part of the manufacturing machinery, and no child or young person shall be allowed to work between the fixed and traversing part of any self-acting machine while the latter is in motion by the action of the steam-engine, water-wheel or other mechanical power.

Certain parts of machinery to be fenced.

45. Every fly-wheel directly connected with the steam-engine or water-wheel or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-wheel, and every hoist or teagle near to which children or young persons are liable to pass or be employed, and all parts of the mill gearing in a factory shall be securely fenced and every wheel-race or flume not otherwise secured shall be fenced by a close fence not less than four feet high, close to the edge of the wheel-race or flume, and the said protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam-engine, water-wheel, or other mechanical power for any manufacturing process; Provided always, that when it appears to the Inspector that the regulations of this Act relating to the fencing of machinery require to be modified in any particular trade, and that such modification can be made with due regard to the safety of the children, young persons and women employed, he may, by order, with respect to any particular factory or any class of factories, modify the said regulations so far as such trade is concerned, upon such terms and in such manner as he thinks fit. Such order shall be advertized in the *Canada Gazette* or in a newspaper published in the city or town in which such mill or factory is situate, or otherwise published in such manner as the Inspector may think fit. Any regulations so modified by the said Inspector shall be of the same validity as if they had been the original regulations contained in this Act.

Modification of regulations as to fencing.

Interpretation of "mill gearing" in s. 44.

46. Section forty-four of this Act, so far as it refers to the mill gearing, shall apply only to those parts thereof with which children and young persons and women are liable to come in contact, either in passing or in their ordinary occupation in the factory.

Interpretation of "machinery" in sect. 45.

47. The word machinery in the 45th section of this Act shall be considered as applicable to and including all other parts of the mill gearing in a factory with which children and young persons are liable to come in contact when passing, or in their ordinary occupation in the factory, and the word machinery in the 20th, 48th, 52nd 59th, 60th, 64th and 65th sections of this Act, shall be considered as applicable to and as including mill gearing.

Penalty for not fencing machinery after notice.

48. When an Inspector or Surgeon-Inspector gives notice in writing to the owner, manager, superintendent, secretary, overseer or person in charge of a factory in relation to any part of the machinery, or any driving-strap or band not securely fenced, which such Inspector or Surgeon-Inspector deems likely to cause bodily injury to any person employed in the factory,—if the owner, manager, superintendent, secretary overseer or person in charge of such factory do not, within the time in this behalf limited, make application in writing for referring the question of the fencing of the machinery strap or band, to which the notice refers, to arbitration, and with the least possible delay appoint an arbitrator, or if the decision in any such arbitration be that it is necessary and possible to fence the said machinery, strap or band, the owner, manager, superintendent, secretary, overseer or person in charge of the factory shall be liable to a penalty of not less than dollars and not more than dollars if he do not, within a reasonable time after such notice or decision (as the case may be), cause such machinery, strap or band to be well and securely fenced, and at all times thereafter keep the same well and securely fenced.

Notice to be given of accident causing bodily injury.

49. If any accident shall occur in a factory which shall cause any bodily injury to any person employed therein, which shall have been of such a nature as to prevent the person so injured from returning to his work in the factory before eight of the clock on the following morning, the manager, superintendent, secretary, overseer or person in charge of the factory shall, within four hours of such absence, send a notice thereof in writing to the Surgeon-Inspector for the district in which the factory is situated, in which notice the place of residence of the person injured, or the place to which he may have been removed shall be stated, and the Surgeon-Inspector shall send a copy of such notice to the Provincial Inspector by the first post after the receipt thereof.

Accidents in iron mills.

50. It shall not be necessary to give notice to the Surgeon-Inspector of any accident to a person employed in any iron mill or factory, unless the accident prevents the person injured from returning to his work for a period of four hours from the time of the accident. When the person injured shall have been absent for such period of four hours, the

actual employer of the person injured shall immediately report the absence of such person to the owner, manager, superintendent, overseer, or person in charge of the mill or factory, and if the Inspector or Surgeon-Inspector is satisfied that notice of an accident has not been given to the Surgeon-Inspector, owing to the default of such actual employer, and not of the owner, manager, superintendent, overseer or person in charge, he shall take proceedings against such actual employer instead of against the owner, manager, superintendent, secretary, overseer, or person in charge.

Investigation by Surgeon-Inspector of cause of accident, and report thereon.

51. If a Surgeon-Inspector shall receive notice as aforesaid, that an accident has occurred which has occasioned bodily injury to any person employed in a mill or factory for which he has been appointed, and that it has been of such a nature as to have prevented the person so injured from returning to his work in the mill or factory the following morning, he shall, with the least possible delay, proceedto the said mill or factory and make a full investigation as to the nature and cause of such bodily injury, and shall within the next hours send to the Inspector of the Province a report thereof, a copy of which report, together with any other information he may receive in connection with the said accident, the Inspector for the Province shall send to the office of the Secretary of State at Ottawa, as soon as conveniently may be; and the Surgeon-Inspector shall have power to enter any room in any building to which the injured party may have been removed, and for such investigation the said Surgeon-Inspector shall receive a fee not exceeding or such part thereof, not being less than as the Inspector of the Province may consider a reasonable remuneration to the Surgeon-Inspector for his trouble, which fee shall be paid as other expenses incurred under this Act.

Prosecution by Inspector for compensation.

52. The Secretary of State, on the report and recommendation of an Inspector, may empower such Inspector to direct one or more actions to be brought in the name and on behalf of any person who shall be reported by such Inspector to have received any bodily injury from the machinery of any factory for the recovery of damages for and on behalf of such person.

Application of damages when recovered.

53. Any damages which shall be recovered in any action so directed to be brought, shall be paid as soon after they are received as conveniently may be to the person in whose behalf they have been recovered, or shall be otherwise settled for the use and benefit of the said person, in such manner as shall be approved of by the Secretary of State, and in case a verdict shall be found for the defendant, or judgment shall be recovered against the plaintiff, or the plaintiff shall be non-suited, the defendant shall have the like remedies for his costs against the Inspector as he might have had against the plaintiff, and all charges and expenses incurred in bringing any such action beyond what are recovered from the defendant, and not otherwise provided for, shall be paid as other expenses incurred under this Act are to be paid.

Measures when infectious or contagious disease breaks out in factory.

54. And if the Surgeon-Inspector shall find that any infectious or contagious disease has broken out or prevails in any mill or factory, he shall without delay cause the removal of the parties so infected to some hospital, if there be an hospital, in the town, city or place where such mill or factory is situated; take every precaution necessary to prevent the spread of such infectious or contagious disease, by isolation of the sick and other sanitary measures; cause the mill or factory to be thoroughly disinfected, and make such regulations as he may deem proper and necessary. He shall in addition to the measures hereinbefore mentioned, in a place where there is no hospital accommodation, take the sick under his own medical charge, see that they are properly nursed and cared for, and provided with every necessary medical comfort. He shall also once in each week report to the Secretary of State the progress and present state of the disease, and its probable results, and any expenses incurred in consequence thereof, shall be discharged by the owner or owners of such mill or factory.

Report by Surgeon-Inspector of.

Ensuring regularity in the observance of time.

55. The hours of the work of children and young persons in every factory shall be reckoned from the time when any child or young person shall first begin to work in the morning in such factory, and shall be regulated by a public clock or by some other clock open to the public view, to be approved of in either case in writing under the hand of the Inspector for the Province or the Surgeon-Inspector of the district.

Registers to be kept in every factory.

56. Registers shall be kept in the factory to which they relate by the manager, superintendent, secretary, overseer or person in charge of every factory according to the forms and directions given in schedule to this Act annexed; and every Inspector or Surgeon-Inspector shall have power to require such manager, superintendent, secretary, overseer or person in charge to send to him in such manner as may be directed in the requisition, any extracts from such registers and any other information with relation to the persons employed in the factory which may be requisite to facilitate the performance of the duties of such Inspector in any inquiry made under the authority of this Act; but no information so sent by the manager, superintendent, secretary, overseer or person in charge of any factory which is not contained in the registers, certificates and other documents required by this Act to be received or kept, shall be admissible in evidence in any proceeding against him for the recovery of any penalty; and the registers, certificates and other documents required by this Act to be received or kept shall be forthwith produced to the Inspector or Surgeon-Inspector on his demanding to examine the same at any time when the factory is at work.

Contents alone to be admissible in evidence.

May be examined by Inspector, etc.

Employment of children on three alternate days of every week.

57. In any factory in which the labor of young persons is restricted to hours in any one day, it shall be lawful to employ any child hours in any one day on three alternate days of every week, provided that such child shall

not be employed in any manner in the same or in any other factory on two successive days nor after of the clock in the afternoon of any Saturday; Provided always, that the parent or person having direct benefit from the wages of any child so employed shall cause such child to attend the public or common school nearest the residence of such child for at least hours between the hours of of the clock in the morning and of the clock in the afternoon of the same day on each week day preceding each day of employment in the factory, unless such preceding day shall be a Saturday when no school attendance of such child shall be required. Provided also, that on Monday in every week after that in which such child began to work in the factory, or any other day appointed for that purpose by the Inspector of the Province, the manager, superintendent, secretary, overseer or person in charge of the factory shall obtain a certificate from a school-master according to the form and directions given in schedule to this Act annexed, that such child has attended school as required by this Act. But it shall not be lawful to employ any child in a factory more than hours in any one day until the owner, manager, superintendent, overseer or person in charge of the factory shall have sent a notice in writing to the Inspector for the Province, or Surgeon-Inspecter of the district of his intention to restrict the hours of labor of young persons in the factory to hours a day, and to employ children hours a day, and if such owner, manager, superintendent, overseer or person in charge of a factory shall at any time cease so to employ children hours a day he shall not again employ any child in his factory more than hours in any one day until he shall have sent a further notice to the Inspector or Surgeon-Inspector in the manner hereinbefore provided.

Proviso: As to attendance at school.

Proviso: As to certificate of attendance at school.

Notice as to hours of employment.

58. No child or young person shall be employed in a factory, either to recover lost time or for any other purpose, on any Saturday after one of the clock in the afternoon.

Half-holiday on Saturday.

59. Notice, in writing, of an intention to prefer a complaint that a child or young person had been employed in a factory in which sufficient means had not been employed or continued for protecting the workers from being wetted, or for preventing the escape of steam into the room occupied by the workers, or that any part of the aforesaid machinery, hoist or teagle or wheel-race or flume has not been securely fenced, shall be given four days at least previous to the day fixed for hearing the complaint; and if the party complained against intend to bring forward any millwright or other person skilled in the construction of the aforesaid machinery as a witness at the hearing of the case, he shall give notice in writing of such intention to the Inspector or Surgeon-Inspector, who shall be the complainant, hours previous to the day fixed for hearing the case.

Notice of complaint of ungnarded machinery.

Witnesses.

60. If an Inspector or Surgeon-Inspector shall observe in a mill or factory any part of the machinery of any

Inspector or Surgeon-

Inspector to give notice of dangerous machinery.

kind or description, or any driving-strap or band, not securely fenced, which he shall deem likely to cause bodily injury to any person employed in such mill or factory, he shall give notice in writing to the owner, manager, superintendent, secretary, overseer or person in 'charge of such mill or factory, of such part of the machinery or such strap or band as he shall deem to be dangerous, according to the form and directions given in schedule to this Act annexed, and the owner, manager, superintendent, overseer or person in charge of such factory shall sign a duplicate copy of such notice in acknowledgment of having received it; Provided always, that, upon an application in writing made by the owner, manager, superintendent, secretary overseer or person in charge of the mill or factory, within days after he shall have received such notice, two arbitrators skilled in the construction of that kind of machinery to which such notice refers shall be appointed, one of whom shall be named by the owner, manager, superintendent, overseer or person in charge of the factory, in the aforesaid application, and the other by the Inspector of the Province or the Surgeon-Inspector of the district, with the least possible delay after he shall have received such application, and the said arbitrators shall proceed to examine the machinery alleged to be dangerous within days of the appointment of the arbitrator named by the Inspector or Surgeon-Inspector; and if the arbitrators so appointed shall not agree in opinion, the said arbitrators shall choose a third arbitrator possessing a similar knowledge of machinery, and if the said arbitrators, or any two of them, shall sign an opinion in writing addressed to the Inspector or Surgeon-Inspector that it is unnecessary or impossible to fence the machinery, or strap, or band alleged in the notice to be dangerous, the Inspector for the Province, or the Surgeon Inspector of the District, on the receipt of the same, shall cancel the said notice. And if the decision of the arbitrators shall be that it is impossible or unnecessary to fence the machinery so alleged to be dangerous, the expense of such reference shall be paid as other expenses under this Act; but if the decision of the arbitrators shall be that it is necessary and possible to fence the said machinery, then the expense of the reference shall be paid by the owner, manager, superintendent, overseer or person in charge of the factory, and shall be recoverable as the penalties under this Act are recoverable.

Appointment of arbitrators to examine machinery.

Expenses of reference, how paid.

Complaints to be preferred within months.

61. All complaints for offences against this Act shall be preferred within next after the commission of the offence, except in all cases of complaints for offences punishable at discretion by fine or imprisonment, or for working on

or for not giving all or any of the for holidays required to be given, in each of which cases the complaints may be preferred within three months next after the commission of the offence, and no person shall be liable to a larger amount of penalties for any repetition from day to

Repetition of offences.

day of the same kind of offence than the highest penalty hereinafter named for such offence, unless such repetition of an offence shall have been committed after a complaint shall have been made for the previous offence, and except also for offences of employing two or more children or young persons contrary to law.

Compelling parties summoned to appear and produce registers, etc.

62. Every person who shall be summoned to answer any complaint, shall be bound to appear at the time and place mentioned in the summons, and to produce before the Police Magistrate or Justice of the Peace, then and there present, every register or other account, paper or notice required by law to be kept by him or his agent, which shall be mentioned in the summons, and if he shall not appear accordingly, then (upon proof of due service of the summons) the Police Magistrate or Justice of the Peace may either hear and determine the case in his absence, or issue their warrant as hereinafter provided for enforcing his attendance and the attendance of any witness who shall refuse or neglect to appear.

Inspector and Surgeon-Inspector to be competent witnesses.

63. It shall be no objection to the competency of any Inspector or Surgeon-Inspector to give evidence as a witness in any prosecution under this Act that it is brought at the instance of such Inspector or Surgeon-Inspector.

Penalty for not fencing machinery, etc.

64. The penalty for not fencing the several parts of the machinery, hoist or teagle and wheel-race required by this Act to be fenced, shall be not less than dollars, and not more than dollars.

Penalty for not fencing dangerous machinery after notice, and subsequent accident.

65. If any person shall suffer any bodily injury in consequence of the owner, manager, superintendent, secretary, overseer or person in charge of a factory, having neglected to fence any part of the machinery, or any hoist or teagle, or any wheel-race required by this Act to be securely fenced, or having neglected to fence any part of the machinery or any driving strap or band in the factory, of which he shall have received notice in writing from any Inspector or Surgeon-Inspector, as hereinbefore provided, that the same was deemed to be dangerous, the owner, manager, superintendent, secretary, overseer or person in charge of the factory shall pay a penalty of not less than dollars, and not more than dollars, and the whole or any part of such penalty may be applied for the benefit of the injured person, or otherwise, as the Secretary of State may determine, and so much of such penalty as shall not be applied as aforesaid shall be applied as other penalties under this Act. Provided always, that the owner, manager, superintendent, secretary, overseer or person in charge of the mill or factory shall not be liable to any such penalty if the notice which he shall have received from an Inspector or Surgeon-Inspector shall have been cancelled, as hereinbefore provided, or that in any proceedings against an owner, manager, superintendent, secretary, overseer or person in charge of a factory for not securely fencing that part of the machinery, hoist, teagle or wheel-race, by which such bodily injury was

Proviso: Owner not liable in certain cases.

inflicted, the complainant shall have been heard and dismissed previous to the time when such bodily injury was inflicted.

Penalty for obstructing Inspector or Surgeon-Inspector in his examinations.

66. Every owner, manager, superintendent, overseer or person in charge of a factory in which an Inspector or Surgeon-Inspector shall be obstructed in the night by any attempt to prevent his making a full and complete examination of all parts of the factory and of every person employed therein, shall be liable to a penalty of not less than dollars, and not more than dollars.

Penalty for offences where no penalty is specified.

67. The penalty for any offence against this Act, for which no specific penalty is hereinbefore provided, shall be any sum not less than dollars, and not more than dollars.

Penalty in case of second and subsequent convictions.

68. Every person who shall be convicted twice within twelve months for an offence of the same kind against this Act, shall pay for his second offence any sum not less than one-half of the highest penalty for that offence; and if convicted three times within twelve months for an offence of the same kind, he shall pay not less than two-thirds of the highest penalty; and if convicted more than three times within twenty-four months for an offence of the same kind, he shall pay the highest penalty; but a repetition of the same kind of offence shall not be considered as the second or subsequent offences referred to in this enactment unless such second or subsequent offences shall have been committed after a complaint shall have been made for the previous offences, and in any case in which a person shall be convicted at any one time for offences against this Act, so that the penalties amount in the whole to more than dollars, the sum of dollars, together with all reasonable costs and charges of such proceedings and convictions, may be paid instead of the penalties for all the offences committed by him before the day on which the last summons was taken out against him.

Evidence of former convictions.

69. Whenever any person shall be convicted of any offence against this Act, the Clerk of the Peace where such conviction shall have been filed shall, upon the request in writing of any Inspector or Surgeon-Inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy, and every such copy shall be received as evidence of such conviction upon any future proceedings under this Act, and for every such copy the Clerk shall be entitled to have a fee of , and no more.

Form of conviction, and how filed.

70. Every conviction under this Act may be in the form given in the schedule to this Act, annexed, or in any other form more suitable to the case, and shall be certified or returned to the Clerk of the Peace, there to be filed amongst the records of the county.

Who may exercise powers of Justices.

71. In all cases in which a Police Magistrate or Justice of the Peace is required or empowered to do anything under this Act, or is named therein, no complaint preferred for any offence against this Act, committed in a factory, shall be heard by a Police Magistrate or Justice of the Peace, being the owner, manager, superintendent, secretary, overseer or person in charge of the mill or factory, or being the father, son or brother of the owner, manager, superintendent, secretary, overseer or person in charge of the mill or factory in which the offence set forth in the complaint shall have been committed.

Ventilation and prevention of dust in factories.

72. In every mill or factory where grinding, glazing or polishing on a wheel or any other process is carried on by which dust is generated and inhaled by the workmen to an injurious extent, if it appears to any Inspector or Surgeon-Inspector of factories that such inhalation could be, to a great extent, prevented by the use of a fan or other mechanical means, it shall be lawful for the Surgeon-Inspector to direct a fan or other mechanical means of such construction as may, from time to time, be approved by the Inspectors, to be provided by the owner, manager, superintendent, secretary, overseer or person in charge of the factory, within a reasonable time, and if such owner, manager, superintendent, secretary, overseer or person in charge fail to comply with such direction, he shall be deemed to have failed to have kept his factory in conformity with this Act, and shall be punishable accordingly.

Penalty for not fixing grindstones securely.

73. If it appears to any Inspector or Surgeon-Inspector that any grindstone worked by steam or other mechanical power in any mill or factory is fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using the same, such Inspector or Surgeon-Inspector shall take the same proceedings, as nearly as may be, as he is required to take by the clause in this Act with respect to machinery not securely fenced, and the owner, manager, superintendent, secretary, overseer or person in charge of the mill or factory shall be the same liable to penalties for not properly fixing the said grindstone as he would be liable to under the said section, in respect to any machinery found to be not properly fenced.

Inspector or Surgeon-Inspector to be furnished with certificate of appointment.

74. Every Inspector or Surgeon-Inspector of factories shall be furnished with such certificate of his appointment as the Secretary of State may direct, and on applying for admission to any mill or factory, such Inspector or Surgeon-Inspector shall, if required, produce to the owner, manager, superintendent, secretary, overseer or person in charge, the said certificate.

Penalty for forging certificate, or personating Inspector, &c.

(*a.*) Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited or false certificate, or falsely pretends to be an Inspector or Surgeon-Inspector of factories, shall be guilty of a misdemeanor, and be liable to be imprisoned for any period not exceeding , with or without hard labor.

Number of persons employed to constitute a factory.

75. Twelve or more persons shall, for the purposes of this Act, be deemed to continue to be employed in any mill or factory during the year and any succeeding year, if that number of persons has, during the preceding year, been employed in any manufacturing process in such mill or factory for any period or periods amounting in the whole to one hundred days, and in any proceedings taken by the Inspector or Surgeon-Inspector of factories for the purpose of enforcing this Act, any premises in or on which a manufacturing process is carried on shall, until the contrary is proved, be deemed to be a factory.

Exception as to founding and casting metals.

76. Any premises or place on which the process of founding or casting any metal is carried on by not more than two persons, and as subsidiary to the repair or completion of some other work, shall not, by reason only of such founding or casting, be deemed to be a factory.

Owner of blast furnaces or iron mills, may make special rules.

77. The owner, manager, superintendent, secretary overseer, or person in charge of a blast furnace or of an iron mill may, with the approval provided by the section of this Act, make rules for compelling the observance amongst his workmen of any of the provisions of this Act in respect of the infringement of which such owner, manager, superintendent, secretary, overseer or person in charge is liable to a penalty, and such rules shall be deemed to be special rules within the meaning of the said section, and all the provisions of the said section shall apply accordingly.

Night work allowed in paper mill.

78. Where the owner, manager, superintendent, secretary, overseer or person in charge of any paper mill proves to the satisfaction of the Inspector that such owner, manager, superintendent, secretary, overseer or person in charge was at the time of the passing of this Act employing, and had for not less than previously to such passing, employed young persons and women at night, and further proves that he cannot, without a considerable interval of time, alter his machinery so as to dispense with such employment, it shall be lawful for the said Inspector, by order, to authorize the employment by such owner, manager, superintendent or person in charge until some day not later than of young persons and women, in such manner and for such times as had previously been customary in the said paper mill.

For six months after passing of this Act children may be employed as adults in certain mills.

79. During the first six calendar months next ensuing the passing of this Act, male young persons of not less than years of age may be employed in blast furnaces, in iron mills, in iron foundries, in paper mills and in any mill or factory where the manufacture of machinery, or the process of letter-press printing, or book-binding are carried on, in the same manner as if they were male persons exceeding the age of years.

Overcrowding not permitted.

80. No factory shall be so overcrowded while work is carried on, as to be dangerous or prejudicial to the health

of those employed therein, and so far as relates to any factory this section shall be construed as part of the and section of this Act.

Employment of children in sets at different hours, and beyond legal limits of time.

81. Whereas the customs or exigencies of certain trades require that the children, young persons and women working in a factory, or in certain processes in a factory, or that certain sets of such children, young persons or women, or any of them, should be employed at different hours, and that the limits of time within which they, or certain sets of them, may be employed should be extended without increasing their legal hours of work, it is hereby declared that, on due proof to the satisfaction of the Inspector or Surgeon-Inspector of such customs or exigencies existing in trade, it shall be lawful for such Inspector or Surgeon-Inspector from time to time, by order to be advertized in the *Canada Gazette*, or otherwise published as the said Inspector may think fit, to give permission that in any factory or class of factories in which such trade is carried on the owner, manager, superintendent, secretary, overseer, or person in charge may employ the children, young persons and women working in his factory, or any process of his factory, or any sets of such children, young persons or women, or of any of them, between the hours of in the morning and in the evening, or between the hours of in the morning and in the evening instead of between the hours of in the morning and in the evening, for any time in such order specified, or until further order or on any day or days named in such order, and as far as respects the persons referred to in any order given as aforesaid, all the provisions of this Act affected by such change of hours shall, during the continuance of such order, be read as if the hours of in the morning and in the evening, or in the morning and in the evening, as circumstances may require, were throughout such Act substituted for the hours of in the morning and in the evening.

Proviso: hours of attendance to be hung up in factory.

Provided:—1st. That notice of the hours between which children, young persons and women, or each set of them, are to be employed in such form as the Inspector may direct, and signed by the Inspector for the Province, and the owner, manager, superintendent, secretary, overseer, or person in charge of such factory, shall be hung up and be kept hung up during the period affected by such notice, in such conspicuous place in the factory as may be required by the Inspector or Surgeon-Inspector.

Proviso: Saturday afternoon to be a holiday.

2nd. Except in pursuance of the provisions contained in other parts of this Act, no child, young person or woman shall be employed after the hour of o'clock in the afternoon on Saturday, but it shall be lawful in places where any children, young persons or women are engaged in accordance with an order given under the foregoing enactment, to begin to employ such children, young persons or women at o'clock in the morning on Saturday.

Extra length of work time

82. When, under the modifications contained in the schedule to this Act, any child, young person or woman is

to be entered in register.

employed on any day for a longer period than is allowed by this Act, the day on which and the period during which he or she is so employed, shall be entered by the owner, manager, superintendent, secretary, overseer or person in charge of a factory in a register, which shall be in such form as the Inspector may direct, and shall be deemed to be a register within the meaning of this Act.

Owner, &c., of machinery in a factory to be deemed owner, &c., of factory.

83. Where in any factory the owner or hirer of any machine or implement moved by steam, water, or any other mechanical power, in or about or in connection with which machine or implement, children, young persons or women are employed, is some person other than the owner, manager, superintendent, overseer, or person in charge of the factory, and such children, young persons or women are in the employment and pay of the owner or hirer of such machine, in any such case such owner or hirer shall, so far as respects any offence against this Act, which may be committed in relation to such children, young persons, or women, be deemed to be the owner, manager, superintendent, secretary, overseer, or person in charge of the factory.

Occasional employment beyond hours allowed by Act.

84. Whereas the customs or exigencies of certain trades require that male young persons of the age of years and upwards, should be occasionally employed beyond the hours allowed by this Act, it shall be lawful for the Inspector, on due proof to his satisfaction that such customs or exigencies exist, and that such occasional employment is not injurious to the health of such male young persons, from time to time, by order to be advertized in the *Canada Gazette*, or otherwise published in such manner as he may think fit, to give permission that in case of any particular factory or class of factories, male young persons of the age of years and upwards may be employed for a period of not more than hours or any one day: Provided that:—

Proviso.

1st. That they are not so employed, except between the hours of in the morning, and in the evening.

Proviso.

2nd. In addition to the time allowed in this Act for meals, they shall be allowed half-an-hour for a meal after the hour of five in the evening.

Proviso.

3rd. They are not so employed for more than days in any period of weeks, nor on the whole for more than days in any period of twelve months.

Employment in letter-press printing.

85. In letter-press printing male young persons of the age of years and upwards may be employed for a period not exceeding hours in any one day. Provided that—

Proviso.

1st. They shall not be so employed except between the hours of in the morning and in the evening, or in any factory where permission has been given by the Inspector to work between the hours of in the

morning and in the evening, or of in the morning and in the evening, then except between the hours of in the morning and in the evening, or of in the morning and in the evening, as the case may be.

2nd. In addition to the time allowed under this Act for meals they shall be allowed half-an-hour for a meal after the hour of in the evening. Proviso.

3rd. They shall not be so employed except on alternate days. Proviso.

4th. In every week in which they are so employed on each alternate day they shall be allowed either one whole holiday or two half holidays, each half holiday comprising at least one-half of an ordinary working day. Proviso.

86. Young persons of years of age and upwards, and women, may be employed in bookbinding for a period not exceeding hours in any one day. Provided that— Employment in bookbinding.

1st. They shall not be so employed except between the hours of in the morning and in the evening, or where permission has been given by the Inspector to work between the hours of in the morning and in the evening or in the morning and in the evening, then except between the hours of in the morning and in the evening, or in the morning and in the evening, as the case may be. Proviso.

2nd. In addition to the time allowed under this Act for meals, they shall be allowed half-an-hour for a meal after the hour of o'clock in the evening. Proviso.

3rd. They shall not be so employed, Proviso.

(*a.*) If less than years of age or upwards, for more than days in any one week; or—

(*b.*) If years of age or upwards for more than days in any period of twelve months, or for more than consecutive days in any one week.

87. In blast furnaces, in iron mills, in any factory in which letter-press printing is carried on, in paper mills, in any glass factory in which the mechanical power is water, and in any factory or class of factories with respect to which the Inspector certifies by order, that it has been proved to his satisfaction that, by reason of the nature of the business, it is necessary to carry on the same throughout the night, it shall be lawful to employ male young persons during the night, subject to the same intervals of rest which they are allowed during the day, and subject to this provision, that no male young person employed during the night shall be employed during the preceding or succeeding day, and that no male young person shall be employed during more than nights, In blast furnaces, paper mills, glass factories, etc., workers may be employed throughout the night.

or in the case of blast furnaces and paper-mills nights, in any one week.

In certain processes children may be employed beyond hours required by Act.

88. When in any blast furnace, iron mill, foundry or paper mill, the process in which a child, young person or woman is employed, is in an incomplete state at the hour at which such child, young person or woman is required by this Act to cease work, such child, young person or woman may be employed for a period not exceeding beyond the said hour.

In glass-making workmen may be employed according to usual hours of trade.

89. In the process of making glass, it shall be lawful for any male young person, subject to the provisions of this Act, to work according to the accustomed hours of the trade. Provided—

Proviso.

1st. That the hours of work do not exceed in any one week between midnight on Sunday night and midnight on the succeeding Saturday night.

Proviso.

2nd. That the hours of work of any such young person do not exceed hours in separate turns per week, or hours in separate turns per week, or hours in separate turns per week.

Proviso.

3rd. That no such young person work in any turn without an interval of time equal to one full turn.

In paper mills persons may work according to hours of trade.

90. In paper mills, it shall be lawful for any male young person, subject to the provisions of this Act, to work according to the accustomed hours of the trade. Provided—

Proviso.

1st. That the hours of work do not exceed in any one week, between midnight on Sunday night and midnight on the succeeding Saturday night.

Proviso.

2nd. That the hours of attendance at the mill of any such young person shall not in any period of twenty-four hours exceed hours, and in case the hours of attendance exceed hours, such young person shall be allowed half-an-hour for meals in addition to the time allowed under this Act for meals.

Act not to apply to persons on repairs.

91. Provided always that nothing in this Act contained shall apply to mechanics, artisans or laborers under the prescribed ages working only in repairing the machinery or premises.

Factory to be clean and well ventilated.

92. Every factory to which this Act applies shall be kept in a cleanly state, and be ventilated in such a manner as to render harmless, so far as is practicable, any gases, dust or other impurities generated in the process of manufacture that may be injurious to health.

Penalty.

If the owner, manager, superintendent, overseer or person in charge fails to keep the same in conformity with this section, he shall be deemed to be guilty of an offence against this Act and to be subject, in respect of such offence, to a

penalty not exceeding dollars nor less than dollars. The Police Magistrate, Justice of the Peace, or court having jurisdiction under this Act may, in addition to or instead of inflicting any penalty in respect of an offence under this section, make an order directing that, within a certain time to be named in such order, certain means are to be adopted by the owner, manager, superintendent, secretary, overseer or person in charge for the purpose of bringing his factory into conformity with this section; the Police Magistrate, Justice of the Peace, or court may, upon application, enlarge any time appointed for the adoption of the means directed by the order, but any non-compliance with the order of the court shall, after the expiration of the time as originally limited or enlarged by subsequent order, be deemed to be a continuing offence, and to be punishable by a penalty not exceeding dollars for every day that such non-compliance continues.

Order may be made to conform with this section.

93. In order to prevent the requirements of this Act as to cleanliness and ventilation in a factory being infringed to the detriment of the owner, manager, superintendent, overseer or person in charge, by the wilful misconduct, or wilful negligence of the workmen employed therein, it shall be lawful for the owner, manager, superintendent, overseer or person in charge of any factory to make special rules for compelling the observance amongst the workmen of the conditions necessary to insure the required degree of cleanliness and ventilation, and to annex to any breach of such rules a penalty not exceeding dollars.

Special rules for observance of cleanliness and ventilation amongst workmen.

The special rules made in pursuance of this section shall not be of any validity until they have been approved by the Secretary of State.

Approved by Secretary of State.

Printed copies of the special rules in force in any factory shall be hung up, in a legible condition, in two or more conspicuous places in the factory, and a printed copy shall be supplied to any person employed in the factory who may apply for a copy.

Copies to be hung up in factory and distributed.

A printed copy of the special rules for the time being in force in any factory, certified under the hand of the Inspector for the time being having jurisdiction over such factory, shall be evidence of such rules and of their having been approved by the said Secretary of State, and it shall be the duty of the above-mentioned Inspector to certify copies of special rules when required.

Evidence of such rules.

94. In this Act, unless another sense shall be plainly shown by the context or by some other positive enactment to the contrary, the word "child" shall be taken to mean a child under the age of years, and the words "young person" shall be taken to mean a person of the age of years, and under the age of years, and the word "parent" shall be taken to mean parent, guardian or person having the legal custody of any such child or young person; and any person who shall work in any factory, whether for wages or not, or as a learner or otherwise, either in any manufacturing process or in any labour incident to any manufacturing process, or in cleaning any part of the factory, or in

Interpretation.

Child.

Young person

Parent.

cleaning or oiling any part of the machinery, or in any other kind of work whatsoever, save in the cases hereinafter excepted, shall be deemed, notwithstanding any other description, limitation or exception of employment in this Act, to be employed therein within the meaning of this Act. And the words "inspector" and "surgeon-inspector" shall be taken to mean respectively an inspector and a surgeon-inspector of factories, and the words "manager," "superintendent," "secretary," "overseer" or "person in charge," shall be taken to mean any person having, on behalf of the owners or owner of any factory, the care or direction thereof, or of any part thereof, or of any person employed therein. And the word "month" shall be taken to mean a calendar month; and the words "mill-gearing" shall be taken to comprehend every shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley by which the motion of the first moving power is communicated to any machine appertaining to the manufacturing processes. And the word "factory," notwithstanding any provision or exemption in this Act, shall be taken to mean all buildings and premises situated within any part of the Dominion of Canada, wherein or within the close or curtilage of which steam, water or any other mechanical power shall be used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, prints, hosiery, either separately or mixed together, or mixed with any other material or fabric made thereof, earthenware, lucifer matches, and cartridges, or in the process of bleaching, dyeing and paper-staining, and any room situated within the outward gate or boundary of any factory wherein children or young persons are employed in any process incident to the manufacture carried on in the factory, shall be taken to be a part of the factory, although it may not contain any machinery, and any part of such factory may be taken to be a factory within the meaning of this Act; but this enactment shall not extend to any part of such factory used solely for the purposes of a dwelling house, nor to any part used solely for the manufacture of goods made entirely of any other material than those herein enumerated, nor to any factory or part of a factory used solely for the manufacture of hats, or of lace, or solely for printing or calendering, and the enactments of this Act respecting the hours of labour shall not apply to any young person when employed solely in packing goods in any warehouse or part of a factory not used for any manufacturing process, or for any labor not incident to any manufacturing process. And nothingin this Act contained shall extend to any young person being a mechanic, artizan or labourer, working only in making and repairing the machinery or any part of the factory.

Inspector and Surgeon-Inspector.

Manager, superintendent, overseer, person in chaage.

Month.

Mill-gearing.

Factory.

Exceptions.

Short title.

95. This Act shall be known and may be cited as "*The Factories Regulation Act*, 1879."

SCHEDULE A.

FORM OF CONVICTION

Province of
County of
(*as the case may be*)
To Wit:

Be it remembered that on the day of in the year A. B (*describe the offender*) was, upon the complaint of C. D. (*or upon the view of C. D, one of Her Majesty's Inspectors or Surgeon-Inspectors of factories as the case may be*) convicted before E. F., one of Her Majesty's Police Magistrates or Justices of the Peace in and for, &c. (*as the case may be*) in pursuance of an Act passed in the year of Her Majesty's reign, for (*describe the offence*).

Given under my hand and seal the day and year above mentioned.

SCHEDULE B.

WARRANT TO DISTRAIN FOR FORFEITURE.

Province of
County of
To Wit:

To the Constable, &c.,

Whereas A. B., of in the said County, is this day convicted before C.D., one of Her Majesty's Police Magistrates (*or Justices of the Peace, in and for the said County*), upon the oath of a credible witness (*or upon my own view, as the case may be*) for that he, the said A. B., hath (*here set forth the offence, describing it particularly in the words of the statute or rule as near as can be*), contrary to the Statute (*or rule, if the offence is against some rule, or regulation, or order of an Inspector*) in that case made and provided, by reason whereof the said A. B. is adjudged to have forfeited the sum of $ to be distributed as hereinafter mentioned. These are therefore, in Her Majesty's name, to command you to levy the said sum of $ by distress of the goods and chattels of him, the said A. B., and if within the space of four days next after after such distress by you taken, the said sum of $, together with the reasonable charges of taking and keeping the same shall not be paid, that then you do sell the said goods and chattels by you so distrained, and out of the money arising by such sale that you do pay (*according to the award of the Justice*), returning the overplus on demand to him, the said A. B., the reasonable charges of taking, keeping and selling, the said distress being first deducted; and if sufficient distress cannot be found

of the goods and chattels of the said A. B. whereon to levy the said sum of $, that then you certify the same to me, together with this warrant.

Given under my hand and seal the day of A.D.

(Signed) C. D.

Return of Constable upon Warrant of Distress where no effects.

I, A. B., Constable of , in the County of , do hereby certify and make oath that by virtue of this warrant I have made diligent search for the goods of the within-named , and that I can find no sufficient goods whereon to levy the same.

As witness my hand the day of , A.D. .

C. D.

Sworn before me the day of , A. D

SCHEDULE C.

COMMITMENT FOR WANT OF DISTRESS.

Province of
County of
To wit :

To the Constable of , in the County of , and to the keeper of the county gaol at , in the said county :

Whereas A. B., of , in the said county, was on the day of , convicted before me, C. D., Esquire, one of Her Majesty's Justices of the Peace in and for the said county (*or Police Magistrate, as the case may be*), upon the oath of a credible witness (*or upon my own view, as the case may be*), for that he (*here set forth the offence*), contrary to the statute made in the year of Her Majesty's reign, for (*according to the title of the Act or contrary to a certain rule or order or regulation of Her Majesty's Inspector of Factories*), and the said A. B., by reason thereof, hath been adjudged to forfeit and pay the sum of dollars ; and whereas on the day of , in the year aforesaid, I did issue my warrant to the constable of to levy the said sum of dollars, by distress and sale of the goods and chattels of him, the said A. B., and to distribute the same as in my said warrant was mentioned ; and whereas it duly appears to me, upon the oath of the said constable, that he has used his best endeavors to levy the said sum on the goods and chattels of the said A. B., but that no sufficient distress can be had whereon to levy the same. These are therefore to command you, the said constable of aforesaid, to apprehend the said A. B. and him safely to con-

vey to the common gaol at , in the said county, and there deliver him to the keeper thereof, together with this precept; and I do also command you, the said keeper, to receive and keep in your custody the said A. B., for the space of , unless the said sum shall be sooner paid pursuant to the said conviction and warrant, and for so doing this shall be your sufficient warrant.

Given under my hand and seal the day of A.D.

C. D.

SCHEDULE D.

CERTIFICATES.

(*To be written or printed on white paper.*)

Factories Regulation Act, 1879, *Victoria*.

No. .

Certificate of age for a child to be employed in the factory of , situated at , in

I, , of , duly appointed a Surgeon-Inspector of factories, do hereby certify that son (*or daughter*) of and , residing in , has been personally examined by me this day of , one thousand eight hundred and , and that the said child has the ordinary strength and appearance of a child of at least years of age, and that I believe the real age of the said child to be at least years, and that the said child is not incapacitated by disease or bodily infirmity from working daily in the above-named factory for the time allowed by this Act.

(Signed)
Surgeon-Inspector.

The form of surgical certificate to be given to a child who has obtained a certificate of real age shall be the same as above, omitting the words, "and that the said child has the ordinary strength of a child of at least years of age, and that I believe the real age of the said child to be at least years," and substituting these words in their place, "and that a certificate of the birth (*or baptism*) of the said child has been produced to me in the form required by this Act, proving that the real age of such child is at least years."

(*To be written or printed on colored paper.*)

Factories Regulation Act, 1879. *Victoria.*

No. .

Certificate of age for a young person to be employed in the factory of , situated at , in

I, , of , duly appointed a Surgeon-Inspector of factories, do hereby certify that , son (*or daughter*) of , and , residing in , has been personally examined by me this day of , one thousand eight hundred and , and that the said young person has the ordinary strength and appearance of a young person of at least years of age, and that I believe the real age of the said young person to be at least years, and that the said young person is not incapacitated by disease or bodily infirmity from working daily in the above-named factory for the time allowed by this Act.

(Signed)

Surgeon-Inspector.

The form of surgical certificate to be given to a young person who has obtained a certificate of real age shall be the same as above, omitting the words, "and that the said young person has the ordinary strength and appearance of a young person of at least years of age, and that I believe the real age of the said young person to be at least years," and substituting these words in their place, "and that a certificate of the birth (*or baptism*) has been produced to me in the form required by this Act, proving that the real age of such young person is at least years."

The form of surgical certificate to be given in either case by any practitioner who is not a Surgeon-Inspector must be the same as the corresponding form above given, omitting the words, "duly appointed a Surgeon-Inspector," and substituting the words, "duly authorized by the university (*or college or other public body having authority in that behalf*) of , to practice surgery or medicine," and making the following addition, which must be signed by a Police Magistrate or Justice of the Peace:

"The child (*or young person*) named in the above-written certificate has been this day brought before me, and the appearance of the said child or young person agrees with the description therein given, and I believe the real age of the said child or young person to be at least (*here insert the word in the case of a child or in the case of a young person*) years, and I declare that I have no beneficial interest in, and am not the owner, manager, superintendent, overseer or person in charge of any factory, and that I am not the father, son or brother of the owner, manager, superintendent, overseer or person in charge of any factory."

Dated this day of one thousand eight hundred and

(Signed) C. D.

J. P. (*or Police Magistrate.*)

In every surgical certificate of age the day of the month on which it shall be granted shall be written in words and not in figures.

So soon as any certificate authorized by this Act to be received as proof of the age of any person shall be obtained by the owner, manager, superintendent, overseer or person in charge, they shall be fixed in a book to be called "The Age Certificate Book," in the order of the dates at which they shall have been respectively received, and such certificates shall be numbered in the order in which they are so fixed in the book, but the certificates for children shall be kept in a separate and distinct place in the said book, or in a separate book, and shall be marked with a series of running numbers distinct from that of the certificates of young persons.

So soon as any certificate of age authorized by this Act shall be obtained, the number hereinbefore to be set against each certificate shall be set against the name of the child or young person for whom such certificate was granted, in the first column of the register of the persons employed, required by this Act to be kept in each factory.

If a Surgeon-Inspector shall have refused to grant a certificate of age, the word "refused" shall be written in the column of the register where the numbers of the certificates are required to be inserted.

Factories Regulation Act, 1879. *Victoria—Certificate Refused.*

I, of , duly appointed a Surgeon-Inspector of factories, do hereby declare that son (*or daughter*) of , residing in , has been personally examined by me this day of , one thousand eight hundred and , and that in my opinion the said child (*or young person* has not the ordinary strength and appearance of a child of at least years of age (*or of a young person of at least years of age*) or (*or and*) is incapacitated, by disease and bodily infirmity, from working daily in a factory for the time allowed by this Act.

(Signed)

Surgeon-Inspector.

N.B.—The words within brackets shall be in the handwriting of the Surgeon-Inspector, who shall insert the reason of his refusal to be either on account of deficient age or of bodily infirmity, or both, as the case may be.

Factories Regulation Act, 1879. *Victoria—School Certificate.*

I hereby certify that the undermentioned child (*or children*) employed in the factory of , situated in , has (*or have*) attended the school kept by me at for the number of hours and at the time on each day specified in the

columns opposite to his (*her or their*) name (*or names*) during the week ending on Saturday the day of , one thousand eight hundred and , and that the causes of absence stated are true to the best of my belief.

Name of Child.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Causes of Absence.
	Time.		Time.		Time.		Time.		Time.		
	From.	To.	From.	To.	From.	To.	From.	To.	From.	To.	

(Signed)

Schoolmaster (*or Schoolmistress*).

The day of one thousand eight hundred and

SCHEDULE E.

REGISTERS.

Form of the Register of Young Persons.

LIST OF YOUNG PERSONS EMPLOYED IN THIS FACTORY.

No. of reference to age Certificate Book as required in Schedule (.)	Names.		Date of first day of being employed or re-employed.			When any person ceases to be employed insert opposite the name the word "left," and when any person completes his year of age the word .
	Surname.	Christian Name.	Month.	Day.	Year.	

This register shall contain the names of every young person employed in the factory, to be entered successively when engaged to work, whether for the first time, or after having left when re-engaged to work.

At the beginning of this register shall be inserted:

1. The name of the owner, firm or company

2. The name of the factory, the place, township and county where it is situated, and the post office to which the owner, manager, superintendent, overseer or person in charge desires his letters to be sent.

3. The nature of the work to be carried on.

4. The nature of the moving power, the whole amount of horse-power of the steam-engine or water-wheel, and also the amount of horse power employed.

5. The clock by which the employment of the workers in the factory is regulated. Every alteration in any of the above particulars shall be inserted immediately after such alterations shall have been made.

6. The holidays and half holidays which shall have been given, in conformity with this Act, shall be recorded in a distinct place in this register.

7. The dates when the whole of the factory, if done at one time, and the several parts if done at different, shall have been lime-washed, and the names and residences of the persons by whom the factory was lime-washed shall be recorded in a distinct place in this register within days after they have been so lime-washed, and this declaration of the times of lime-washing shall be signed by the mill-owner, manager, superintendent, overseer or person in charge.

The visits of the Surgeon-Inspector to the factory shall be recorded in the register in manner following:—

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon-Inspector.

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those factories only where children under years of age are employed.

Names of the children employed in this factory before o'clock or the morning set.

No. of reference to Age Certificate Book as required in Schedule (.)	Names.		Date of the first day of employment or re-employment.			When any child ceases to be employed insert opposite its name the word "left," or if transferred to the afternoon set the word "changed," or the words "young person" when a child completes its year.
	Surname.	Christian Name.	Month.	Day	Year.	

Names of the children employed in this factory after o'clock in the afternoon or the afternoon set.

No. of reference to Age Certificate Book as required in Schedule (.)	Names.		Date of first day of employment or re-employment.			When any child ceases to be employed insert opposite its name the word "left," or if transferred to the morning set the word "changed," or the words "young person" when a child completes its year.
	Surname.	Christian Name.	Month.	Day.	Year.	

SCHEDULE F.

NOTICES TO BE FIXED UP IN FACTORIES.

Name and adddress of the Inspector of the Province.

Name and address of the Surgeon-Inspector of the District.

Clock by which the hours of work are regulated.

The hours of work of all young persons and females above the age of , employed in this factory:—

Days of Week.	Morning.		Forenoon.		Afternoon.		Evening.		*Total Hours
	From.	To.	From.	To.	From.	To.	From.	To	

*In this space the days of the week to which the hours of work refer shall be entered.

Signature of owner, manager, superintendent, overseer or person in charge of factory.

FORM OF NOTICE TO BE FIXED UP OF THE TIMES ALLOWED FOR MEALS.

THE TIMES ALLOWED FOR MEALS IN THIS FACTORY.

*Days of the Week.	Breakfast.		Dinner.		Tea.	
	From.	To.	From.	To.	From.	To.

*In this space the days to which the meal hours refer shall be entered.

Signature of owner, manager, superintendent, overseer or person in charge of factory.

These notices of the regular hours of work fixed up in a factory are not required to be altered when young persons are only employed at other hours for the recovery of lost time, as authorized by this Act; provided the notice

required to be fixed up when recovering lost time be fixed up, and provided on such notice it is stated at what time of the day it is intended to recover the time so lost.

FORM of Notice to be fixed up when the owner, manager, superintendent, overseer or person in charge intends to recover all or any part of the time which has been lost by the stoppage of the machinery in the factory, as allowed by this Act :—

ACCOUNT OF TIME LOST AND RECOVERABLE.

TIME LOST.						TIME RECOVERED.				
Date.	Cause of Loss.	Time of day when lost.	Amount Lost.		Explanatory Remarks.	Date.	Time of day when recovered.	Amount Recovered.		Explanatory Remarks.
			H.	M.				H.	M.	

Signature of owner, manager, superintendent, overseer or person in charge.

No lost time is required to be entered except such as it may be intended to recover.

FORM of the Notice to be fixed up when the time has been lost by partial stoppage of the machinery by drought or floods, &c., and is intended to be recovered during the following night :—

NOTICE OF TIME LOST AND RECOVERED.

TIME LOST.				TIME RECOVERED.			
Description of the room where the stoppage took place, and of the machinery stopped.	Time of the day when the stoppage took place.	Amount of time Lost.		Signature of the person taking time.	Time of the night when the young persons are employed.	Amount of time Recoverable.	
		H.	M.			H.	M.

NAMES of the Females and young persons who have lost time by the stoppage of the machinery at the dates affixed :—

Date when time was lost.	Surname.	Christain name.	Date when time was lost.	Surname.	Christian name.

The entries of time lost and of the names of the females and young persons who have lost time shall be made in these notices before any part of the time can be recovered.

SCHEDULE G.

FORM of Notice to be given the owner, superintendent, manager, overseer or person in charge of a factory, by an Inspector or Surgeon-Inspector, of such part of the machinery or such driving-strap or band in the factory as appears to him to be dangerous to the workers :—

To (*name of owner, manager, &c., as the case may be*), occupier of a (*description of the manufacture*) factory, situated at , in the County of

I hereby give you notice that the following parts of the machinery in your factory, namely (*here enumerate the parts*), appear to me to be dangerous and likely to cause bodily injury to the workers employed in the factory; and I am of opinion that they ought severally to be immediately well and securely fenced; and I hereby further give you notice that by the Act passed in the year of Her Majesty's reign, intituled (*here set forth the title of this Act*), it is provided that if after receiving this notice you shall neglect or fail to fence the above-enumerated machinery, and if any person shall suffer any bodily injury in consequence of such neglect or failure, you will be liable to a penalty of dollars over and above all damages, costs and charges to which you may be found liable in any action brought against you by or on behalf of the person so injured.

Given under my hand this day of , one thousand eight hundred and .

(Signed)
Inspector (or *Surgeon-Inspector*).

FORM of Summons to be issued by a Police Magistrate or Justice of the Peace against a person who has committed an offence: –

Province of
County of } To the Constable of

Whereas, it appeareth to me, J. F., one of Her Majesty's Justices of the Peace (*or Police Magistrate*), that A. D., of , in the County of , hath offended against the Act passed in the year of Her Majesty's reign, intituled (*here set forth the title of this Act*), forasmuch as the said A. D., on the day of , in the year of Our Lord , at , in the County of , did (*here set forth the substance of the charge.*) These, therefore, are to require you forthwith to summon the said A.D. to appear before me or such other Justice or Justices of the Peace (*or Police Magistrate*) acting in and for the said county, who shall be present at , in the said county, on the day of , at the hour of in the noon of the same day, to answer to the said charge and to be further dealt with according to law. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand this day of , one thousand eight hundred and .

(Signed) J. F.,
J.P. (or *Police Magtstrate.*)

Form of Summons to be issued by a Police Magistrate or Justice of the Peace.

Province of
County of } To the Constable of

Whereas it appeareth to me, J. F., one of Her Majesty's Justices of the Peace (*or* Police Magistrate) in and for the said county, that A. D., of the County of , hath offended against the Act passed in the year of Her Majesty's reign, intituled (*here set forth the title of the Act*), forasmuch as the said A. D., on the day of , in the year of our Lord one thousand eight hundred and , at , in the said County, did (*here set forth the substance of the charge*), and that B. P., of , in the County of , is a material witness to be examined concerning the said charge. These, therefore, are to command you forthwith to summon the said B. P. to appear before me or such other Justice or Justices of the Peace or Police Magistrate, acting in and for the said County, as shall be present at , in the said County, on the day of , at the hour of in the noon of the same day, to testify his knowledge concerning the premises. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand this day of , one thousand eight hundred and

(Signed) J. F.,
J.P. (or *Police Magistrate.*)

SCHEDULE H.

REGISTER of the time which each and every female and young person has been employed during the week ending (say *February*, 1879), by *John Jones & Co.*), at the (*City of Ottawa*) Works, situate in the Township of (*Nepean*), in the County of (*Carleton*).

Progressive No. in Certificate Book.	Surname.	Christian Name.	February 13. Monday.		February 14. Tuesday.		February 15. Wednesday.		February 16. Thursday.		February 17. Friday.		February 18. Saturday.	
			H.	M.	H.	M.	H.	M.	H.	M.	M.	H.	M.	

SCHEDULE I.

REGISTER of the longest time which any female or young person has been employed on each day of the month ending (say *February* 18*th*, 1879), by (*John Jones & Co.*), at the (*City of Ottawa*) Works, situate in the Township of (*Nepean*), in the County of (*Carleton*).

1879.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday	
	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.
Week ending (*Jan.* 28)..												
Week ending (*Feb.* 4)....												
Week ending (*Feb.* 11)..												
Week ending (*Feb.* 18)..												

SCHEDULE K.

REGISTER of the time during which every youth employed on any day before A.M., or after P.M., has been employed during the week ending (*September 10th*, 1879), by (*John Jones & Co.*), at the ( ) Factory, situate in , in the County of

Progressive No. on Certificate Book.	Surname.	Christian Name.	September 5th. — Monday.		September 6th. — Tuesday.	September 7th. — Wednesday.	September 8th. — Thursday.		September 9th. — Friday.		September 10th. — Saturday.	
			A.M.	H. M.			A.M.	H. M.	A.M.	H. M.	A.M.	H. M.
			4 to 6·30	2·30			6 to 10	4·00	8 to 11	3·00	6 to 8	2·00
			10 to 12	2·00	Between 6 a.m. and 6 p.m.	Between 6 a.m. and 6 p.m.	P.M.				P.M.	
			P.M.				2 to 4·30	2·30	P.M.		12 to 3	3·00
			2 to 6·30	4·30			7·30 to 10	2·30	2 to 6	4·00	6 to 10	4·00
			Total	9·00			Total	9·00	Total	7·00	Total	9·00
			A.M.									
			4 to 8	4·00	Same as Monday.	Same as Monday.	Same as Monday.		Same as Monday.		Same as Monday.	
			P.M.									
			1 to 6	5·00								
			Total	9·00								
			A.M.									
			9 to 1	5·00	Same as Monday.	Same as Monday.	Same as Monday.		Same as Monday.		Same as Monday.	
			P.M.									
			6 to 10	4·00								
			Total	9·00								

No. 103.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to regulate the employment of children and young persons in the Mills and Factories of the Dominion of Canada.

Received and read, first time, Friday, 2nd May, 1879.

Second reading, Saturday, 3rd May, 1879.

Mr. BERGIN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1879.

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No. 101.] **BILL.** [1879.

An Act to provide for the inspection, safe-keeping and storage of Petroleum and the products 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 word "petroleum" means, in this Act, every description of refined petroleum, or other product of crude petroleum, sold or used for illuminating purposes. Interpretation.

2. From and after the passing of this Act, it shall not be lawful to sell, offer for sale or have in possession any petroleum not herein exempted from inspection which has not been inspected or offered for inspection under this Act; except that it shall be lawful to move petroleum in bulk from one refinery to another refinery or other place, for the purpose of completing the manufacture, or barrelling the same, under a permit to be obtained in that behalf from the proper Inspector, in which permit the refinery or other place to which it is to be removed shall be designated. In what cases inspection is compulsory. Proviso: for removal in bulk for certain purposes.

3. The inspection of petroleum under this Act shall be performed by officers of the Inland Revenue, or of the Customs, duly authorized thereto by regulation of their respective departments, or by such other persons as may be designated for that purpose by the Governor in Council. How inspection shall be performed.

4. The standard fire test for Canadian petroleum shall be one hundred and five degrees of Fahrenheit's thermometer; and any Canadian petroleum below that standard shall be deemed to be explosive, and the Inspector shall not pass the same, nor shall it be barrelled or go into consumption, but it shall be manufactured to the proper standard by the refiner before it is admitted to be inspected and finally passed, except when the party having it in possession has a permit to that effect, as herein provided; Fire test for Canadian petroleum.

The standard fire test for imported petroleum shall be one hundred and thirty degrees of Fahrenheit's thermometer; and any petroleum below that standard imported into Canada shall be deemed to be explosive, and the proper officer of Customs shall seize such petroleum, which shall then be exported out of Canada within forty-eight hours after the seizure is made, and if not so exported shall be destroyed, except when the party having it in possession or importing it has a permit to that effect, as herein provided Fire test for imported petroleum

Fire test, how applied.

The standard fire test for Canadian and imported or foreign petroleum shall be ascertained and determined by means of such pyrometers or other instruments as may from time to time be ordered by Departmental regulations in that behalf.

Specific gravity requisite.

All petroleum, whether manufactured in Canada or imported, shall be of a specific gravity equal to not less than eight hundred and seven thousandths (.807) of the weight of an equal measure of distilled water when both are at a temperature of sixty-two degrees by Fahrenheit's thermometer; which specific gravity is indicated by forty-five degrees on Beaumié's Hydrometer.

Quantity in each package Canadian P. to be ascertained.

5. The quantity of Canadian petroleum contained in each cask or package shall be ascertained by the Inspector, who shall weigh the same before branding it, in accordance with such regulations as may from time to time be made by the Minister of Inland Revenue; and it shall be the

How each package shall be marked.

duty of the Inspector to cause the following marks to be correctly placed upon one end of each cask or package of Canadian petroleum:

1. The fire test;
2. The specific gravity;
3. The gross weight, in pounds;
4. The tare (or weight of empty package) in pounds;
5. The net weight of oil, in pounds;
6. The number of gallons contained in the package;
7. The word "Inspected," with the date of inspection and the signature of the Inspector, and the name of his district;

Inspector responsible.

For the correctness of all such marks the Inspector shall be responsible.

Gauging and marking imported petroleum.

6. The quantity of imported petroleum in each cask or package shall be ascertained by actual gauging by the Inspector, and it shall be the duty of the Inspector to cause the following marks to be correctly placed upon one end of each cask or package of imported petroleum:

1. The fire test;
2. The specific gravity;
3. The number of gallons in each package;
4. The word "Inspected," with the date of inspection and the signature of the Inspector, and the name of his port or district. And no other mark or brand whatever shall be placed upon the end of any cask or package upon which any marks or brands have been placed in compliance with the provisions of this Act.

Inspector responsible.

For the correctness of all such marks the Inspector shall be responsible.

Governor in Council to make regulations as to storeage and safe keeping.

7. The Governor in Council may from time to time make such regulations respecting the storage of petroleum as he may deem necessary for the public safety, special regulations being made as to the importation or possession of gasolene, benzine, benzole, naptha or any other explosive

substance being the product of crude petroleum; and no person shall have in his possession any such explosive article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as may be made from time to time by the Governor in Council, for the storage and possession of such explosive articles; and such permit must be produced to the proper officer of Customs before the importation of any such articles above mentioned shall be permitted.

Permit required for removal.

8. Packages containing petroleum which is to be exported out of Canada direct from the refinery in which it is made and packed, shall only be inspected and branded as hereinbefore prescribed, upon the request of the owner thereof; but if any petroleum for which exemption from inspection is claimed under this section, is thereafter sold or offered for sale for consumption in Canada, or removed from the refinery otherwise than for exportation, it shall thereupon become liable to inspection.

Petroleum for exportation exempted.

Proviso: if offered for sale.

9. All petroleum liable to inspection, sold or offered for sale without having been inspected, immediately after being manufactured or imported into Canada, shall be subject to seizure by any officer of Customs or Inland Revenue, and be dealt with as the Governor in Council may direct, unless proved to be held for exportation.

Seizure and forfeiture for contravention.

10. Any person who neglects or refuses to procure the inspection of any petroleum liable to inspection, in his possession or under his control; or—

Penalty for offences against this Act.

2. Who has in his possession any such petroleum which has not been inspected, or which is contained in packages which have not been branded or marked as herein required; or—

3. Who has in his possession or under his control any petroleum in respect of which any requirements of this Act have not been complied with,—

Shall be held guilty of an offence against this Act, and, upon conviction, shall incur a penalty not exceeding five dollars for every package in respect of which such offence has been committed,

Fees for inspection.

11. The following fees shall be levied or collected for the inspection of petroleum, which fees shall be paid to the Inspector or the Collector of Customs, or the Collector of Inland Revenue, as the case may be, at the time the inspection is made, and shall form part of the Consolidated Revenue Fund of Canada:

For every package of Canadian petroleum containing more than ten, but not more than fifty gallons..... 10 cents.

For every package of Canadian petroleum containing not more than ten gallons..... 5 cents.

For every package of imported petroleum containing more than ten, but not more than fifty gallons.. ..... 30 cents.

For every package of imported petroleum containing not more than ten gallons ..... 10 cents.

For every package of Canadian or imported petroleum containing more than fifty gallons, five cents for each additional ten gallons or fraction of ten gallons.

How paid or recovered.

12. All fees payable under this Act shall be payable before any certificate or bill of inspection is delivered, and if not so paid shall be recoverable, with costs, before any Justice of the Peace.

Penalties for effacing, altering, or counterfeiting inspection marks.

13. Whosoever, with a fraudulent intention, alters, effaces or obliterates, wholly or partially, or causes to be altered, effaced or obliterated, any Inspector's brands or marks on any petroleum having undergone inspection, or on any package containing any petroleum, or counterfeits any such brand or mark, or brands, impresses or otherwise marks thereon any mark purporting to be the mark of any Inspector, either with the proper marking instruments of such Inspector, or with counterfeit imitations thereof, or empties or partially empties any such package marked, after inspection, in order to put into the same any other article not contained therein at the time of such inspection, or uses for the purpose of packing any petroleum any old package bearing inspection marks,—or (not being an Inspector of petroleum) brands or marks any package containing it, with the Inspector's marks, or gives any certificate purporting to be a certificate of inspection of any petroleum; and any person who, being in the employ of any Inspector, hires or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid; and any Inspector who inspects or brands, or marks any petroleum out of the local limits for which he is appointed, or hires out or lends his marking instruments to any person whomsoever, or gives any certificate of inspection without having personally performed the inspection, or any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act shall, for each such offence, incur a penalty of *one hundred dollars.*

Or being privy to any like offence, &c.

Or acting out of proper limits.

The penalties.

Penalty for falsely assuming to be an Inspector.

14. Any person not thereunto duly authorized under this Act, who in any manner whatever assumes the title or office of Inspector, or issues any bill, certificate or declaration purporting to establish the quality or quantity of any petroleum, shall, for every such offence, incur a penalty not exceeding one hundred dollars.

Recovery of penalties or forfeitures, and their application.

15. Every penalty and forfeiture imposed by this Act, or by any regulation made under it, shall be recoverable by any complainant or informant 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; and one moiety of every such penalty or forfeiture, when recovered, shall belong to the complainant or informant, and the other moiety to Her Majesty for the public uses of Canada; and if the penalty or forfeiture, together with any costs awarded, be not paid within thirty days, or be not recovered by seizure as hereinbefore provided, such offender shall be imprisoned in the common gaol of the county or district for a period of not less than two nor more than six months, at the discretion of the Court.

Imprisonment for non-payment.

16. Any action or suit against any person for anything done in pursuance of this Act, or contrary to its provisions, shall be commenced within six months next after the matter or thing done or omitted to be done, and not afterwards; and the defendant therein may plead the general issue, and give this Act and the special matter in evidence, at any trial therein, and that the same was done under this Act; and if it appears so to have been done, then the judgment shall be for the defendant; and if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover his costs and have the like remedy for the same as defendants have in other cases.

Limitation of suits under this Act.

17. The Act passed in the fortieth year of Her Majesty's reign, and intituled, "*An Act to provide for the Inspection of Petroleum*," is hereby repealed, except only as to any offence committed, or penalty incurred, or obligation contracted under such repealed Act, which may be prosecuted, imposed or enforced as if this Act had not been passed.

Act 40 V. c. 14, repealed.

Saving clause.

[No. 104.]

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to provide for the inspection, safe-keeping and storage of Petroleum and the products thereof.

Received and read first time, Friday, 2nd May, 1879.

Second reading, Saturday, 3rd May, 1879.

Mr. BABY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 105.] **BILL** [1879.

An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.

Preamble.

IN amendment of the Acts respecting the Militia and Defence of Canada: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 2 of 39 V. c. 35, repealed.

1. The second section of the Act passed in the thirty-ninth year of Her Majesty's reign, and intituled "*An Act to amend the Acts therein mentioned respecting the Militia and the Defence of the Dominion of Canada*," is hereby repealed and the following substituted therefor:—

New section substitute. When the next enrolment under 31 V., c. 40, shall be made.

"**2.** The next enrolment of the Militia under 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*," shall be made and completed on or before the twenty-eighth day of February, one thousand eight hundred and eighty-one, and such enrolment shall be made and completed on or before the like day in every fifth year thereafter, in the manner provided by the said Act; and so much of the sixteenth section of the said Act as would require such enrolment to be made at any earlier or other time is hereby repealed: Provided always, that in case of war or other emergency, the enrolment mentioned in the said section may be made at any time by order of the Governor in Council."

Proviso.

Section 27 of 31 V., c. 40, as amended by 36 V., c. 46, re-amended.

2. 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*," as amended by 36 Victoria, Chapter 46, is hereby amended by substituting the following for the last portion of the said section, commencing immediately after the words "Military Commanding Officer only":—

Municipality to pay militiamen called out in aid of the civil powers, and provide lodging, &c.

"And the municipality in which their services are required, shall pay them when so employed the rates authorized to be paid for actual service, to officers, non-commissioned officers and men, and one dollar per diem for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer, fifty cents for each non-commissioned officer and man per diem in lieu of subsistence, and fifty cents per diem in lieu of forage, for each horse; and, in addition, shall provide them with proper lodging, and with stabling for their horses. And the said pay and allowances

How recoverable.

for subsistence and forage, as also the value of lodging and stabling, unless furnished in kind by the municipality, may be recovered from it by the officer commanding the corps in his own name, and, when so recovered, shall be paid over to the persons entitled thereto: Provided always, that the said pay and allowances of the force called out, together with the reasonable cost of transport mentioned in section one of the Act passed in the fortieth year of Her Majesty's reign, intituled '*An Act to make further provision for the payment of the Active Militia when called out in certain cases in aid of the Civil Power*,' may, in the interests of the force called out, be advanced in the first instance by order of the Governor in Council out of the consolidated Revenue of Canada, and may, if so advanced, be recovered by Her Majesty from the municipality in which the services of the force were required."

Proviso: may be first paid by Government and recovered from municipality. 40 V., c. 40, cited.

Section 54, of 31 V., c. 40, amended.

3. The fifty-fourth section of the said Act thirty-one Victoria, chapter forty is hereby amended by adding the following sub-section:—

Militia land not required may be disposed of.

Application of proceeds.

"2. Any land now held or hereafter acquired by Her Majesty for Militia purposes in connection with drill sheds, rifle ranges, armouries or such like uses, and found unnecessary to be retained for the same, may be sold or disposed of under order of the Governor in Council; and if any portion of the cost of such lands, or of any building thereon has been defrayed by the municipality in which the land is situate, a fair proportion of the proceeds to be desetmined by the Governor in Council, may be returned to such municipality or expended therein for other militia uses of a permanent nature."

No. 105.

1st Session, 4th Parliament, 41 Victoria, 1879.

BILL.

An Act to further amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.

Received and read, first time, Friday, 2nd May, 1879.

Second reading, Saturday, 3rd May, 1879.

Mr. BOWELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 105.] **BILL** [1879.

An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.

IN amendment of the Acts respecting the Militia and Defence of Canada: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

Section 2 of 39 V. c. 35, repealed.

1. The second section of the Act passed in the thirty-ninth year of Her Majesty's reign, and intituled "*An Act to amend the Acts therein mentioned respecting the Militia and the Defence of the Dominion of Canada*," is hereby repealed and the following substituted therefor:—

New section substituted. When the next enrolment under 31 V., c. 40, shall be made.

"**2.** The next enrolment of the Militia under 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*," shall be made and completed on or before the twenty-eighth day of February, one thousand eight hundred and eighty-one, and such enrolment shall be made and completed on or before the like day in every fifth year thereafter, in the manner provided by the said Act; and so much of the sixteenth section of the said Act as would require such enrolment to be made at any earlier or other time is hereby repealed: Provided always, that in case of war or other emergency, the enrolment mentioned in the said section may be made at any time by order of the Governor in Council."

Proviso.

Section 27 of 31 V., c. 40, as amended by 36 V., c. 46, re-amended.

2. 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*," as amended by 36 Victoria, Chapter 46, is hereby amended by substituting the following for the last portion of the said section, commencing immediately after the words "Military Commanding Officer only":—

Municipality to pay militiamen called out in aid of the civil powers, and provide lodging, &c.

"And when the Active Militia, or any corps thereof, are so called out in aid of the civil power, the municipality in which their services are required shall pay them when so employed, the rates authorized to be paid for actual service to officers, non-commissioned officers and men, and one dollar per diem for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer, fifty cents to each non-commissioned officer and man per diem in lieu of subsistence, and fifty cents per diem in lieu of forage for each horse,—and, in addition, shall provide them with proper lodging, and with stabling for their horses:

Whereas, on the day of last past, being one month from this date, A. B., an insane person confined in the Penitentiary, at Stony Mountain, of which I, am Warden, did escape from the said Penitentiary.

These are therefore to command you, or any of you, the said Constables or Peace Officers in Her Majesty's name to retake the said A. B., and safely convey him to this Penitentiary and deliver him into my charge.

Given under my hand and seal this day of in the year of Our Lord , in the County aforesaid.

Signature [L.S.]

Warden.

No. 106.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act respecting the safe keeping of Dangerous Lunatics in the North-West Territories.

Received and read, first time, Saturday, 3rd May, 1879.

Second reading, Monday, 5th May, 1879.

Mr. McDONALD,
Pictou.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1879.

An Act to amend and consolidate the several Acts respecting the Public Lands of the Dominion.

WHEREAS it is expedient with a view to the proper and efficient administration and management of certain of the public lands of the Dominion, that the same should be regulated by statute, and divers Acts have been passed for that purpose which it is expedient to amend and consolidate: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PRELIMINARY—INTERPRETATION.

1. This Act shall apply exclusively to the Lands included in Manitoba and the several Territories of the Dominion, which lands shall be styled and known as *Dominion Lands*; and this Act shall be known and may be cited as the "*Dominion Lands Act* 1879," and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:

1. The term *Minister of the Interior*, means the Minister of the Interior of Canada.

2. The term *Surveyor-General* means the said officer, or, in his absence, the chief clerk performing his duties for the time being.

3. The term *Agent* or *Officer* means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; and the term *Local Agent* means the Agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the term *Land Office* means the office of any such Agent

4. The term *Dominion Land Surveyor* mean a Surveyor duly authorized under the provisions of this Act to survey Dominion lands.

5. The term *Crown Timber Agent* means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer, in respect to the timber on Dominion lands.

6. The term *Island*, as used in connection with timber, means an isolated grove or clump of timber in Prairie.

7. The term *Belt*, as used in connection with timber, means a strip of timber along the shore of a lake, river or water course.

8. The term *section* means a section of this Act distinguished by a separate number, and the term *sub-section* means a subdivision of any clause distinguished by a separate number or letter, in smaller type.

9. The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa.

DOMINION LANDS OFFICE.

2. The Department of the Minister of the Interior of Canada, shall be charged with the administration and management of the Dominion lands.

1. Such administration and management shall be effected through a Branch of the said Department, to be known and designated as "*The Dominion Lands Office.*"

2. Copies of any records, documents, plans, books, or papers belonging to or deposited in the said office, attested under the signature of the Minister of the Interior or of the Surveyor-General, and of plans or documents in any Dominion lands or Surveys office in Manitoba or the North-West Territories, attested under the signature of the Agent or Inspector of Surveys, as the case may be, in charge of such office, shall be competent evidence in all cases in which the original records, documents, books, plans, or papers could be evidence.

3. No person employed in or under the Dominion Lands Office shall purchase any of such lands, except under authority of an Order in Council, or shall locate military or bounty land warrants, or land scrip, or act as agent of any other persons in such behalf.

SYSTEM OF SURVEY.

3. Subject always to the provisions hereinafter made with respect to special cases,—

1. The Dominion lands shall be laid off in quadrilateral Townships, containing thirty-six sections of one mile square in each, (except in the case of those sections rendered irregular by the convergence or divergence of meridians as hereinafter mentioned) together with road allowances of one chain and fifty links in width, between all townships and sections.

2. The sections shall be bounded and numbered as shewn by the following diagram :

N.

W.	31	32	33	34	35	36
	30	29	28	27	26	25
	19	20	21	22	23	24
	18	17	16	15	14	13
	7	8	9	10	11	12
	6	5	4	3	2	1

E.

S.

3. The township therefore will, subject to deficiency or surplus from converging or diverging meridians, as the case may be, measure on each side, from centre to centre of the road allowances bounding the same, four hundred and eighty-nine chains ; Provided that the Governor in Council may hereafter, should the same be deemed expedient, reduce the width of the road allowances on township and section lines in that part of the territory lying north of the line between townships eighteen and nineteen, and east of the tenth range east of the principal meridian, and west of the fourteenth range west of the said meridian.

4. The lines bounding townships on the east and west sides shall in all cases be true meridians, and those on the north and south sides shall be cords intersecting circles of latitude passing through the angles of the townships.

5 The townships shall be numbered in regular order northerly from the international boundary or forty-ninth parallel of latitude, and shall lie in ranges numbered, in Manitoba, east and west from a certain meridian line run in the year 1869, styled the "Principal Meridian," drawn northerly from the said forty-ninth parallel at a point ten miles or thereabouts westerly from Pembina.

6. In the territories east and west of Manitoba such other governing or guide meridians may be adopted and confirmed by the Governor in Council as may from time to time become expedient.

7. The townships shall be laid out the precise width of four hundred and eighty-nine chains, as aforesaid, on the base lines hereinafter mentioned, and the meridians between townships shall be drawn from such bases, north or south to the depth of two townships, that is to say, to the correction lines hereinafter mentioned.

8 The said forty-ninth parallel or international boundary shall be the first base line, or that for townships one and two. The second base line shall be between townships four and five, the third between townships eight and nine, the fourth between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly in regular succession.

9. The correction lines, or those upon which the "jog" resulting from the want of parallelism of meridians shall be allowed, will be as follows, that is to say:—On the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on. In other words, they will be those township lines running east and west which are equi-distant from the bases, at the depth of two townships.

10. Each section shall be divided into quarter sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made.

11. In the survey of any and every township, the deficiency or surplus, as the case may be, resulting from convergence or divergence of meridians shall be allowed in the range of quarter sections adjoining the west boundary of the township, and the north and south error in closing on the correction lines from the the north or south shall be allowed in the ranges of quarter sections adjoining, and north or south respectively of the said correction lines.

12. The dimensions and area of the irregular quarter sections resulting from the provision in the next preceding clause, whether the same be deficient or in excess, shall, in all cases, be returned by the surveyor at their actual measurements and contents.

13. Preliminary to the sub-division into townships and sections of any given portion of country proposed to be laid out for settlement, the same shall be laid out into blocks of four townships each, by projecting the base and correction lines, and east and west meridian boundaries of each block:

1. On these lines, at the time of the survey, all township section and quarter section corners shall be marked, which corners shall govern, respectively, in the subsequent subdivision of the block.

2. Only a single row of posts or monuments to indicate the corners of townships, or sections (except as hereinafter provided), shall be placed on any survey line. These posts or monuments, as an invariable rule (with the exception above referred to,) shall be placed in the west limit of the road

allowances, on north and south lines, and in the south limit of road allowances, on east and west lines ; and in all cases shall fix and govern the position of the boundary corner between the two adjoining townships, sections, or quarter sections on the opposite side of the road allowance

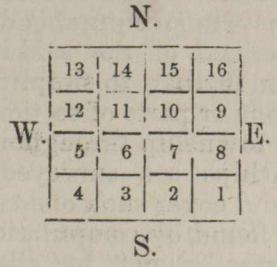
3. Provided that in the case of the township, section and quarter section corners on correction lines, posts or monuments shall in all cases be planted and marked independently for the townships on either side ; those for the townships north of the line, in the north limit of the road allowance ; and those for the townships south, in the south limit

14. The township sub-division surveys of the Dominion lands, according to the system above described, shall be carried out and shall be performed by contract at a certain rate per mile or per acre, fixed from time to time by the Governor in Council.

15. Legal sub-divisions as applicable to the survey, sale and granting of the Dominion lands, shall be as follows : and it shall be sufficient that such legal subdivisions be severally, as the case may require, designated and described by such names or numbers and areas for letters patent, that is to say :

1. A section or 640 acres ;
   A half section or 320 acres ;
   A quarter section or 160 acres ;
   A half quarter section or 80 acres.
   A quarter quarter section or 40 acres.

2. To facilitate the descriptions for Letters Patent of less than a half quarter section, the quarter sections composing every section in accordance with the boundaries of the same as planted or placed in the original survey, shall be supposed to be divided into quarter quarter sections, or forty acres, and such quarter quarter sections shall be numbered as shewn in the following diagram, which is intended to shew the above proposed subdivisions of a section.



3. The area of any legal subdivision as above set forth, in Letters Patent, shall be held to be more or less, and shall in each case be represented by the exact quantity as given to such subdivision in the original survey.

16. Provided that nothing in this Act shall be construed to prevent the lands upon the Red and Assineboine Rivers surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as may be necessary in order to carry out section thirty-two of the Act thirty-third Victoria, chapter three, or to prevent fractional sections or lands bordering on any river, lake, or other water course or public road, from being divided; or such lands from being laid out in lots of any certain frontage and depth, in such manner as may appear desirable; or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided; or from describing the said lands upon the Red and Assineboine Rivers, or such subdivisions of fractional sections, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient.

DISPOSAL OF THE DOMINION LANDS.

LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

17. Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the Fertile Belt:"

And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot; and whereas the said Company and the Government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth:

And whereas it is found by computation that the said one-twentieth will be exactly met, by allotting in every fifth township two whole sections of six hundred and forty acres each, and in all other townships one section and three quarters of a a section each, therefore—

In every fifth township in the said territory ; that is to say : in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections Nos. 8 and 26, and in each and every of the other townships, the whole of section No. 8, and the south half and north-west quarter of section 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company.

18. Provided that the Company's one twentieth of the lands in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships, the allotment thereof to be effected by the Minister of the Interior and the said Company, or some person duly authorized by them respectively.

19. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bonâ fide* settled on under the authority of any Order in Council, or of this Act, then if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied.

20. Provided also, as regards the sections and parts of section as mentioned in clause seventeen, that where the same, may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in such townships, but shall be held to be the property of the Company.

2. Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the Company, such one-twentieth to cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed, in which event the Company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as hereinbefore enacted: Provided, nevertheless, that on such sections being surveyed as aforesaid, should the same or either of them prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section

or sections to an equal extent in lieu thereof from any unoccupied lands in such township.

21. As townships are surveyed and the respective surveys therefore confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the said Company shall be duly notified thereof by the Surveyor-General, and thereupon this Act shall operate to pass the title in fee-simple in the sections or three-quarter parts of sections to which the Company will be entitled under clause seventeen, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands; and as regards the lands set apart by lot, and those selected to satisfy the one-twentieth in townships other than the above, as provided in clauses eighteen and nineteen, returns thereof shall be made in due course by the Local Agent or Agents to the Dominion Lands Office, and patents shall issue for the same accordingly.

EDUCATIONAL ENDOWMENT.

22. And whereas it is expedient to make provision in aid of education in Manitoba, and the North-West Territories, therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion lands, shall be and are hereby set apart as an endowment for purposes of education.

1. The sections so dedicated shall be designated "school lands," and shall be dealt with in manner as hereinafter provided, and the same are hereby withdrawn from the operation of the clauses in this Act relating to purchase by private entry and to homestead right, and it is hereby declared that no such right of purchase by private entry or homestead right shall be recognized in connection with the said sections or any part or parts thereof:

2. Provided, that on a township being surveyed, should such sections, or either of them, or any part of either, be found to have been settled on and improved, then and in such case the occupant or occupants conforming to the requirements of this Act shall be confirmed in such possession and the Minister of the Interior shall select a quantity equal to that found to have been so settled on from the unclaimed lands in such township, and shall withdraw the land so selected from sale and settlement, and shall set apart and publish the same as school lands, by notice in the *Canada Gazette*.

3. Provided further, that the land found to have been settled upon and improved as above is not embraced within the

class of lands reserved from the operation of the Homestead provisions of this Act by sub-section eighteen of section thirty-four thereof.

DISPOSAL OF SCHOOL LANDS.

23. The school lands shall be administered by the Governor in Council, through the Minister of the Interior:

1. Provided that all sales of school lands shall be at public auction, and that in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands may be situate.

2. Provided, also, that the terms of sale of school lands shall be one-fifth in cash at the time of sale, and the remainder in nine equal successive annual instalments, with interest at the rate of six per cent. per annum, to be paid with each instalment on the balance of purchase-money from time to time remaining unpaid.

3. Provided, also, that all moneys from time to time realized from the sale of school lands shall be invested in Dominion securities, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the Government of the Province or Territory within which such lands are situated towards the support of public schools therein; the moneys so paid to be distributed with such view by the Government of such Province or Territory in manner as may be deemed most expedient.

MILITARY BOUNTY LAND CLAIMS.

24. In all cases in which land has heretofore been or shall hereafter be given by the Dominion for military services, warrants shall be granted in favor of the parties entitled to such land by the Minister of Militia and Defence, and such warrants shall be recorded in the Dominion Lands Office in books to be kept for the purpose, and shall be located as hereinafter provided, and patents for the lands so located shall be issued accordingly.

1. Such warrants may be located by the owners thereof, in any of the Dominion lands open for sale, or may be received in payment for a homestead claim for the same number of acres, or in payment in part or in full, as the case may be, for the purchase at public or private sale of Dominion lands, at the value shewn upon their face, estimating the number of acres in the warrant at the price mentioned therein. Provided always, that no greater area than twenty

per cent. of the land, exclusive of school and Hudson Bay Company lands, in any township, shall be open for entry by Military Bounty warrants issued after the passing of this Act.

2. In accepting warrants as so much purchase-money, any deficiency shall be payable in cash. But should any payment by warrant or by amount in warrants, be in excess, the Government will not return any such excess.

3. In locating a warrant, should the same be for any aliquot part of a section, it must be located in a legal subdivision of corresponding extent ; for instance, a warrant calling for one hundred and sixty acres must be located in a certain quarter section intact.

25. Assignments of Military Bounty land warrants duly made and attested before any person entitled by law to take affidavits shall be recognized as conveying the beneficial interest therein, but no assignment of the interest of the original owner (except in the case of Red River soldiers' warrants as hereinafter mentioned) will be held as transferring such interest, unless the assignment be endorsed on the back of the warrant; and in subsequent assignments the warrant, unless the same has been lost (as hereinafter mentioned), must be attached to and form part of the claimant's or locatee's papers.

26. In all cases where an officer or soldier entitled to Military Bounty land dies before the issue of the warrant, or between the issue of the warrant and the location thereof, the warrant or the patent, or both, as the case may be, shall issue in favor of the legal representatives of such deceased officer or soldier, according to the law of the Province or Territory where the lands in question lie, who shall be ascertained in such manner and by such Court, Commissioners or other tribunal, as the Legislature of such Province shall prescribe by any Act passed for that purpose, and shall be certified to the Governor under such Act,—or if the lands be in any territory in which there is then no Legislature, then in such manner and by such Commissioners as the Governor in Council may from time to time direct,—and any Order in Council in that behalf may vest in any Commissioners under it power to summon witnesses and examine them on oath and to compel the production of documents, and generally may vest in them all such powers, and impose upon all other persons all such obligations, as the Governor in Council may deem necessary in order to ascertain and certify to the Governor the person or persons to whom the Patent ought to issue,—and on any such certificate under this clause the Patent shall issue in accordance therewith.

2. Provided that in the absence of any court, commissioners, or other tribunal established by the Legislature of the Province or Territory within which the lands in question lie, to determine the legal representatives of such deceased officer or soldier, the Minister of the Interior may refer any case arising under the provisions of this section to the court authorized to be established under the Act passed in the thirty-sixth year of Her Majesty's reign, chapter six, intituled "*An Act respecting claims to Lands in Manitoba for which no Patents have issued;*" and the provisions thereof shall be and are hereby declared to be in this respect applicable to cases arising under this section.

27. Whenever any warrant for military bounty land, issued in pursuance of this Act, is lost or destroyed, whether the same may or may not have been sold and assigned by the original owner, the Minister of Militia and Defence (such loss or destruction having been proved to his satisfaction) may, and he is hereby required to cause a new warrant of like tenor to be issued in lieu thereof, in favor of the person to whom the warrant belonged at the time of its loss or destruction, if he be still living, or of his legal representatives as aforesaid, if he be no longer living, which new warrant may be assigned, located, and patented, and shall be of like value in every respect, with the original warrant; and in any and all such cases of re-issue, the original warrant, in whosesoever hands it may be, shall be null and void.

28. And whereas by Order of the Governor in Council, dated the 25th April, 1871, it is declared that,—

The officers and soldiers of the 1st or Ontario and the 2nd or Quebec Battalion of Rifles, then stationed in Manitoba, whether in the service or depôt companies, and not having been dismissed therefrom, should be entitled to a free grant of land, without actual residence, of one quarter section,—such grant is hereby confirmed, and the Minister of Militia and Defence is hereby authorized and required to issue the necessary warrants therefor accordingly.

29. And whereas effect could not be given to the above-mentioned Order in Council, until the lands in Manitoba had been surveyed, and in the mean time many of the said men so entitled as above have assigned their interest in such free grants,—such assignments duly made and attested, and having the certificate of discharge in the case of non-commissioned officers or private soldiers attached thereto, and filed in the Dominion Lands Office before the issue of the warrant, shall be held to transfer in each case the interest of the man so entitled in the warrant when issued, which latter, in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the party entitled thereto, or for location.

30. Unappropriated Dominion lands, the surveys of which may have been duly made and confirmed, shall, except as otherwise hereinafter provided, be open for purchase at the rate of one dollar per acre; but no such purchase of more than a section, or six hundred and forty acres, shall be made by the same person; provided that whenever so ordered by the Minister of the Interior such unoccupied lands as may be deemed by him expedient from time to time may be withdrawn from ordinary sale or settlement, and offered at public sale (of which sale due and sufficient notice shall be given) at the upset price of one dollar per acre, and sold to the highest bidder.

2. Provided further, that any legal sub-division or other portion of unappropriated Dominion land which may include a water power, harbor or stone-quarry, shall not be open for purchase at the rate of one dollar per acre, but the same shall be reserved from ordinary sale, to be disposed of in such manner, and on such terms and conditions, as may be fixed by the Governor in Council on the report of the Minister of the Interior.

PAYMENTS FOR LANDS.

31. Payments for lands, purchased in the ordinary manner, shall be made in cash, except in the case of payment by scrip or in military bounty warrants as hereinbefore provided.

TOWN PLOTS, &C.

32. The Minister of the Interior shall have power, from time to time, to set apart and withdraw from purchase and from the homestead clauses of this Act, any tract or tracts of land which it may be considered by him expedient to lay out into Town or Village Plots, and to cause the same to be surveyed and laid out, and the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at public auction.

33. The Governor in Council may also set apart and appropriate such Dominion lands as he may deem expedient, for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares and for other like public purposes, and at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient, and he may make free grants for the purposes aforesaid of the lands so appropriated, the trusts and uses to which they are to be subject being expressed in the letters patent.

34. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, shall be entitled to be entered for one hundred and sixty acres, or for a less quantity, of unappropriated Dominion lands, for the purpose of securing a homestead right in respect thereof. (Form A.)

But a person obtaining such homestead entry shall be liable to the forfeiture thereof should he not become a *bonâ fide* occupant of the land so entered within two months of the date of entry, and thenceforth continue to occupy and cultivate the same as hereinafter provided.

1. The entry of a person as aforesaid for a homestead right shall entitle him, on payment of a fee equal in amount to that hereinafter prescribed for such homestead entry, to receive at the same time therewith an entry for any adjoining one hundred and sixty acres, or less quantity, of Dominion land then unclaimed, and such entry shall entitle such person to take and hold possession of and cultivate such land so entered in addition to his homestead, but not to cut wood thereon for sale or barter, and, at the expiration of the period of three years, or upon the sooner obtaining a patent for the homestead under the fifteenth sub-section of this section, shall entitle him to a pre-emption of the said land so entered at the Government price of one dollar per acre; but the right to claim such pre-emption shall cease and be forfeited, together with all improvements on such land, upon any forfeiture of the homestead right under this Act:

2. When two or more persons have settled on and seek to obtain a title to the same land, the homestead right shall be in him who made the first settlement.

3. Provided, that in cases where both parties may have made valuable improvements, the Minister of the Interior may order a division of such land, in legal subdivisions, in such manner as may preserve to the said parties, as far as practicable, their several improvements, and further, may direct that what the land of each of such parties, as so divided, may be deficient of a quarter-section, shall be severally made up to them in legal subdivisions from unoccupied quarter-sections adjoining.

4. Questions as to the homestead right arising between different settlers shall be investigated by the Local Agent of the division in which the land is situated, whose report and recommendation, together with the evidence taken, shall be referred to the Minister of the Interior for decision.

5. Every person claiming a homestead right on surveyed land must, previously to settlement on such land, be duly entered therefor with the Local Agent within whose district such land may be situate; but in case of a claim from actual settlement in then unsurveyed lands, the claimant must file such application within three months after due notice has been received at the local office of such land having been surveyed and the survey thereof confirmed, and proof of settlement and improvement shall be made to the Local Agent at the time of filing such application, whereupon such claimant shall be allowed to enter, to the extent of one hundred and sixty acres, as a homestead, the land as the same may have been surveyed and laid out, upon which he may be resident, in such manner as to cover his most valuable improvments. Provided that on the survey of a Township being made, the Government shall not be bound to protect any person found to have settled on land which, by law or by allotment duly made, may be claimed by the Hudson's Bay Company.

6. Persons owning and occupying Dominion lands may be entered for other land lying contiguous to their lands, but the whole extent of land, including that previously owned and occupied, must not exceed one hundred and sixty acres, and must be in legal subdivisions.

7. In entries of contiguous lands, the settler must describe in his affidavit the tract he owns and is settled upon as his original farm. Actual residence on the contiguous land entered is not required, but *bonâ fide* improvement and cultivation of it must be thereafter shewn for the period required by the provisions of this Act.

8. A person applying for leave to be entered for lands with a view of securing a homestead right therein, shall make affidavit before the Local Agent according to the form B in the Schedule to this Act.

9. Upon making this affidavit, and filing it with the Local Agent, and on payment to him of an office fee of ten dollars for which he shall receive a receipt from the Agent, he shall be permitted to enter the land specified in the application.

10. No patent shall be granted for the land until the expiration of three years from the time of entering into possession of it, except as hereinafter provided.

11. At the expiration of three years the settler or his widow, her heirs or devisees, or if the settler leaves no widow, his heirs or devisees, upon proof to the satisfaction

of the local agent, that he or his widow or his or her representatives as aforesaid, or some of them, have (except in the case of entry upon contiguous lands as hereinbefore provided) resided upon and cultivated the land for the three years next after the filing of the affidavit for entry, or in the case of a settler on unsurveyed land, who may, upon the same being surveyed, have filed his application as provided in sub-section five, upon proof, as aforesaid, that he or his widow, or his or their representatives, as aforesaid, or some of them, have resided upon and cultivated the land for the three years next preceding the application for patent, shall be entitledto a patent for the land, provided such claimant is then a subject of Her Majesty by birth or naturalization.

Provided always, that the right of the claimant to obtain a patent under the said sub-section as amended, shall be subject to the provisions of section fifteen of this Act.

Provided further that, in the case of settlements being formed of immigrants in communities, (such for instance as those of Mennonites or Icelanders,) the Minister of the Interior may vary or waive, in his discretion, the foregoing requirements as to residence and cultivation on each separate quarter-section entered as a homestead.

12. When both parents die, without having devised the land, and leaving a child or children under age, it shall be lawful for the executors (if any) of the last surviving parent, or the guardian or guardians of such child or children, with the approval of a Judge of a Superior Court of the Province or Territory in which the lands lie, to sell the lands for the benefit of the infant or infants, but for no other purpose; and the purchaser, in such case, shall receive a patent for the land so purchased.

13. The title to lands shall remain in the Crown until the issue of the patent therefor, and such lands shall not be liable to be taken in execution before the issue of the patent.

14. In case it is proved to the satisfaction of the Minister of the Interior that the settler has voluntarily relinquished his claim, or has been absent from the land entered by him for more than six months in any one year without leave of absence from the Minister of the Interior, then the right to such land shall be liable to forfeiture, and may be cancelled by the said Minister, and the settler so relinquishing or abandoning his claim shall not be permitted to make more than a second entry.

15. Any person who has availed himself of the foregoing provisions may, before the expiration of the three years, obtain a patent for the land entered upon by him, including the wood lot, if any, appertaining to the same, as hereinafter

provided, on paying the Government price thereof at the date of entry, and making proof of settlement and cultivation for not less than twelve months from the date of entry.

16. Proof of actual settlement and cultivation shall be made by affidavit of the claimant before the Local Agent, corroborated on oath by two credible witnesses.

The Minister of the Interior may at any time order an inspection of any homestead or homesteads in reference to which there may be reason to believe the foregoing provisions, as regards settlement and cultivation, have not been, or are not being carried out, and may, on a report of the facts, cancel the entry of such homestead or homesteads.

And in the case of a cancelled homestead, with or without improvements thereon, the same shall not be considered as of right open for fresh entry, but may be held for sale of the land and of the improvements, or of the improvements thereon, in connection with a fresh homestead entry thereof, at the discretion of the Minister of the Interior.

17. All assignments and transfers of homestead rights before the issue of the patent, as hereinafter mentioned, shall be null and void, but shall be deemed evidence of abandonment of the right; and the person so assigning or transferring shall not be permitted to make a second entry.

Provided that a person whose homestead may have been recommended for patent by the Local Agent, the conditions in connection therewith having been duly fulfilled, may legally dispose of and convey, assign or transfer his right and title therein.

Any person who may have obtained a homestead entry, shall be considered, unless and until such entry be cancelled, as having an exclusive right to the land so entered as against any other person or persons whomsoever, and may bring and maintain actions for trespass committed on the said land or any part thereof.

18. The above provisions relating to homesteads shall only apply to agricultural lands; that is to say, they shall not be held to apply to lands set apart as timber limits, or as hay lands, or to those lands on which coal or other valuable mineral is, at the time known to exist, or to lands valuable for stone or marble quarries, or to those having water power thereon which may be useful for driving machinery.

GRAZING LANDS.

35 The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing

purposes to any person or persons whomsoever, for such term of years and at such rent in each case as may be deemed expedient; but every such lease shall, among other things, contain a condition by which, if it should thereafter be thought expedient by the Minister of the Interior to offer the land covered thereby for settlement, the said Minister may, on giving the lessee two years' notice, cancel the lease at any time during the term.

HAY LANDS.

36. Leases of unoccupied Dominion lands, not exceeding in any case a legal subdivision of forty acres, may be granted, for the purpose of cutting hay thereon, to any person or persons whomsoever being *bonâ fide* settlers in the vicinity of such hay lands, for such term and at such rent fixed by public auction or otherwise as the Minister of the Interior may deem expedient; but such lease, except as may be otherwise specially agreed upon, shall not operate to prevent, at any time during the term thereof, the sale or settlement of the lands described therein under the provisions of this Act, —the lessee being paid in such case by the purchaser or settler, for fencing or other improvements made on such land, such sum as shall be fixed by the Local Agent, and allowed to remove any hay he may have made.

MINING LANDS.

37. No reservation of gold, silver, iron, copper, or other mines or minerals shall be inserted in any patent from the Crown granting any portion of the Dominion lands.

38. Any person or persons may explore for mines or minerals on any of the Dominion lands, surveyed or unsurveyed, and not then marked or staked out and claimed or occupied, and may, subject to the provisions hereinafter contained, purchase the same.

39. Mining lands, if in surveyed townships, may be acquired under the provisions herein contained, and shall be sold in legal subdivisions. When situate in unsurveyed territory and without the limits of the Fertile Belt, such lands shall be sold in blocks to be called mining locations; and every such mining location, except as hereinafter provided, shall be bounded by lines due north and south and due east and west, astronomically; and each such location shall correspond with one of the following dimensions, namely, eighty chains in length by forty in width, containing three hundred and twenty acres,—or forty chains square, containing one hundred and sixty acres,—or forty chains in length by twenty in width, containing eighty acres.

1. Provided further that in case of certain lands proving to be rich in minerals, the Minister of the Interior shall have the power to withdraw such lands from sale, and in lieu thereof institute a system of lease.

2. The rent payable to the Crown under any such lease shall be a royalty, not to exceed two and a-half per cent. on the net profits of working.

3. Provided further, that when there are two or more applicants for the same tract, and a prior right in either or any of the applicants is not established to the satisfaction of the Minister of the Interior, the same may be tendered for by the claimants on stated terms of lease, and sold to the highest bidder.

4. Provided also that in territory supposed to contain minerals the Minister of the Interior may in his discretion reserve from sale, alternate locations, or quarter-sections, or other legal subdivisions with the view of subsequently offering the same either for sale or lease at public competition.

10. Mining locations in unsurveyed territory shall be surveyed by a Dominion Land Surveyor, and shall be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the maps of the territory in the Dominion Lands Office) at the cost of the applicants, who shall be required to furnish, with their application, the Surveyor's plan, field notes and description thereof.

11. No distinction in price shall be made between lands supposed to contain mines or minerals and farming lands, but both classes shall be sold at the uniform price of one dollar per acre; provided that section thirty of this Act as regards offering lands at public sale shall apply to coal and mineral lands also, when the same are in surveyed townships.

12. It shall also be lawful for the Minister of the Interior to exempt from the preceding provisions of this Act, such of the Dominion lands upon or adjoining the banks of rivers or other waters as may be supposed to contain valuable "Bar," "Bench," or "Dry" "Diggings" for gold or other precious metals; and the Governor in Council shall regulate, from time to time, as the same may become necessary and expedient, the nature and size of the claims containing such diggings, and shall fix the terms and conditions upon which the same shall be held and worked, and the royalty payable in respect thereof, and shall appoint and prescribe the duties of such officers as may be necessary to carry out such regulations.

43. None of the provisions of this Act respecting the settlement of Agricultural lands, or the lease of Timber lands, or the purchase and sale of Mineral lands, shall be held to apply to territory the Indian title to which shall not at the time have been extinguished.

COAL LANDS.

44. Coal lands designated by the Government as such are hereby withdrawn from the operation of this Act as regards the rights of squatters to homesteads on the Dominion lands in advance of the Surveys.

45. The Minister of the Interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on,—provided, that before entering on the working of such mines, such person or persons make written application to the Local Agent to purchase such land; such application must be accompanied by a description by a Dominion Land Surveyor setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall be in the discretion of the Minister but shall in no case exceed three hundred and twenty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same—and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for:

Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to sections 8 and 26 as hereinbefore enacted: Provided further, that the survey of the township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained:

Provided further that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior, during the interim between the application and the survey; but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together

with any and all purchase-money which may have been paid to the Government on account thereof.

46. The Minister of the Interior, with the view of preventing undue monopoly in coal lands, may in his discretion, on a township being surveyed, exempt from the sale and settlement provisions of this Act, the sections or other legal subdivisions of land which may be said to contain coal, except those on which mining may have been carried on under the next preceding clause; and the same shall be subsequently sold or otherwise dealt with in such manner as may be deemed expedient by the Governor in Council.

TIMBER AND TIMBER LANDS.

TIMBER IN TOWNSHIPS SURVEYED FOR SETTLEMENT.

47. And whereas it is expedient that the timber forming Islands or Belts in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers and to prevent petty monopoly, it is therefore enacted as follows:—

1. The Minister of the Interior may direct that in the subdivision of townships which may consist partly of prairie and partly of timber land, such of the sections or subdivisions of sections containing Islands, Belts, or other tracts of timber, shall be subdivided into such number of wood lots of not less than ten, and not more than twenty acres in each lot, as will afford, so far as the extent of wood land in the township may permit, one such wood lot to each quarter-section prairie farm in such township.

2. Provided, that neither the sections and parts of sections in each township vested in the Hudson's Bay Company by this Act nor those sections set apart herein for schools, shall be subject in any way to the operation of the next preceding sub-clause.

3 The division of such wood lots shall be by squared posts, numbered from one upwards, marked with a marking iron, and planted in the section lines bounding the timber tract so laid out; and each wood lot shall front on a section road allowance.

4. Provided, that in case an Island or Belt of timber be found in the survey of any township to lie in a quarter-section or several quarter-sections, but in such manner that no single quarter-section shall have more of such timber than twenty-five acres, such timber shall be taken to be

appurtenant to such quarter-section or quarter-sections, and shall not be further divided into wood lots.

5. The Local Agent, as settlers shall apply for homestead rights in the township, and in the same order as such applications shall be made, shall, if so requested, apportion a wood lot to each quarter-section so applied for not having thereon more than ten acres of timber, and such wood lot shall be paid for by the applicant at the rate of one dollar per acre, and shall be entered on the Local Agent's books and be returned by him as in connection with the homestead so entered; and on such homestead claimant fulfilling all the requirements of this Act in that behalf, but not otherwise, a patent shall issue to him for such wood lot. Provided always, that any person to whom a wood lot was apportioned in connection with a homestead under the provisions of sub-section five of section forty-six of *The Dominion Lands Act of* 1872, having duly fulfilled the conditions of such homestead grant required by the said Act, shall receive a patent for such wood lot as a free grant, as provided in the said sub-section, notwithstanding the repeal of the said sub-section by the Act of 1874. Provided further, that the cancellation of a homestead shall carry with it the cancellation of the wood lot which may have been apportioned thereto, and also the forfeiture of the purchase money of such wood lot.

6. Provided, that any homestead claimant, who, previous to the issue of the patent shall sell any of the timber on his claim or on the wood lot appertaining to his claim, to sawmill proprietors or to any other than settlers for their own private use, without having previously obtained permission so to do from the Minister of the Interior, shall be guilty of a trespass, and may be prosecuted therefor before a Justice of the Peace, and upon conviction thereof, shall be subject to a fine or imprisonment, or both; and further, such person shall forfeit his claim absolutely.

TIMBER AND TIMBER LANDS.

48. Any tract of land covered by forest timber may be set apart as timber lands, and reserved from sale and settlement.

49 Except where it may be thought expedient by the Minister of the Interior to divide a township into two or more timber limits, the several townships composing any such tract shall each form a limit.

50. In the enactments and provisions under the present heading, *Timber and Timber Lands*, the word "timber" includes all lumber, and all products of timber hereinafter

mentioned, or of any other kind whatever, including firewood or bark.

51. The right of cutting timber on such limits shall be put up at a bonus per square mile, varying according to the situation and value of the limit, and sold to the highest bidder by competition, either by tender or at public auction.

52. The purchaser shall receive a lease granting the right of cutting timber on the land for twenty-one years, and containing the following conditions, with such others as shall have been embodied in the notice of sale, that is to say :—

1. The lessee to erect a sawmill or mills in connection with such limit and lease, and subject to any special conditions which may be agreed upon and stated in the lease, such mill or mills to be of capacity to cut at the rate of a thousand feet, board measure, in twenty-four hours, for every two and a half square miles of limits in the lease, or shall establish such other manufactory of wood goods as may be agreed upon as the equivalent of such mill or mills, and the lessee to work the limit, in the manner and to the extent provided in the lease, within two years from the date thereof, and during each succeeding year of the term.

2. To take from every tree he cuts down all the timber fit for use, and manufacture the same into sawn lumber or some other such saleable product as may be provided in the lease or by any regulations made under this Act.

3. To prevent all unnecessary destruction of growing timber on the part of his men, and to exercise strict and constant supervision to prevent the origin or spread of fires.

4. To make returns to the Government monthly, or at such other periods as may be required by the Minister of the Interior, or by regulations under this Act, sworn to by him or by his agent or employee, cognizant of the facts, declaring the quantities sold or disposed of as aforesaid, of all sawn lumber, timber, railway-car stuff, ship timbers and knees, shingles, laths, cordwood or bark, or any other product of timber from the limit, in whatever form the same may be, sold or otherwise disposed of by him during such month or other period, and the price or value thereof.

5. To pay, in addition to the bonus, an annual ground rent of two dollars per square mile, and further a royalty of five per cent. on his monthly account.

6. To keep correct books of such kind and in such form as may be provided by his lease or by Regulation under this

Act, and to submit the same for the inspection of the collector of dues whenever required, for the purpose of verifying his returns aforesaid.

7. The lease shall describe the lands upon which the timber may be cut, and shall vest in the lessee during its continuance, the right to take and keep exclusive possession of the lands so described, subject to the conditions hereinbefore provided or referred to; and such lease shall vest in the holder thereof all right of property whatsoever in all trees, timber, lumber, and other products of timber cut within the limits of the lease during the continuance thereof, whether such trees, timber and lumber or products be cut by authority of the holder of such lease or by any other person, with or without his consent; and such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit, at law or in equity, against any party unlawfully in possession of any such timber, or of any land so leased, and to prosecute all trespassers thereon and other such offenders as aforesaid, to conviction and punishment, and to recover damages, if any: and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired.

8. Such lease shall be subject to forfeiture for infraction of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister of the Interior shall have the right, without any suit or other proceeding at law or in equity, or compensation to the lessee, to cancel the same, and to make a new lease or disposition of the limit described therein, to any other party, at any time during the term of the lease so cancelled: Provided, that the Minister of the Interior, if he sees fit, may refrain from forfeiting such lease for non-payment of dues, and may enforce payment of such dues in the manner hereinafter provided.

9. The lessee who faithfully carries out the above conditions shall have the refusal of the same limits, if not required for settlement, for a further term not exceeding twenty-one years, on payment of the same amount of bonus per square mile as was paid originally, and on such lessee agreeing to such conditions, and to pay such other rates as may be determined on for such second term.

10. Provided, that in cases where application may be made for limits on which to cut timber in unsurveyed territory, the Governor in Council may, on the recommendation of the Minister of the Interior, authorize the same to be leased for such bonus as may be deemed fair and reasonable —such leases to be subject nevertheless to the foregoing conditions of this section, except as to that part of sub-section

one, which provides for the erection of mills, which provision, in respect to limits in unsurveyed territory may, if considered expedient by the Minister of the Interior, be dispensed with.

"Provided also, that territory in which the block outlines only of townships may have been run and marked, shall be considered surveyed territory; and provided further, that the Governor in Council may, on the recommendation of the Minister of the Interior, in special cases where the same may be deemed expedient, grant licenses in either surveyed or unsurveyed territory, as the case may be, to cut timber for one year, and renewable from year to year, in the discretion of the Minister of the Interior, at such ground rent as the Minister may deem fair and reasonable; such license to be subject in all respects to the other provisions of this section, except where the same may be inconsistent herewith.

53. If, in consequence of any incorrectness in survey, or other error or cause whatsoever, a lease is found to comprise lands included in one of prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under this Act, the lease first mentioned shall be void in so far as it interferes with any such previous lease, sale, grant or setting apart.

FURTHER OBLIGATIONS OF PARTIES OBTAINING LICENSES.

54. Any ground-rent, royalty or other dues to the Crown, on timber cut within any such limit, which are not paid at the time when they become due and payable, shall bear interest at the rate of six per cent. per annum, until paid, and shall be a lien on any timber cut within such limits. And whenever the ground-rent on any limit, or any royalty on any timber is not paid within three months after it becomes due under the lease or regulations in that behalf, the Crown Timber Agent may, with the sanction of the Minister of the Interior, seize so much of the timber cut on such limits, and in the possession of the lessee or on his premises, whether sold or unsold, as will in his opinion be sufficient to secure the payment of such rent and royalty on the timber seized, and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof; and if such payment be not made within three months after such seizure, the Crown Timber Agent may, with such sanction as aforesaid, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance, if any, to the lessee or owner of the timber.

55. All timber cut under lease shall be liable for the payment of the Crown dues thereon, so long as and wheresoever the said timber or any part of it may be found (whether it be or be not manufactured into deals, boards or any other products); and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever they are found until the dues thereon are paid or secured, and if payment be not made or secured within three months after such seizure, the timber may be sold by the Crown Agent, and the proceeds disposed of as provided by the next preceding section.

56. And in case the payment of the Crown dues on any timber has been evaded by any lessee or other party, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded, and any expenses incurred by such officer or the Government in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on Dominion lands by the same lessee or by his authority, and be levied and collected or secured, on such timber, together with such last-mentioned dues, in the manner provided by section fifty-four; or the amount due to the Crown, of which payment has been evaded, may be recovered by action at law, in the name of the Minister of the Interior or his resident Agent, in any Court having jurisdiction in civil cases to the amount.

57. The Minister of the Interior may, in his discretion take or authorize the taking of bonds or promissory notes for any money due to the Crown, interest and costs, as aforesaid, or for double the amount of all dues, fines and penalties and costs, incurred or to be incurred, and may then release any timber upon which the same would be leviable, whether under seizure or not; but the taking of such bonds or notes shall not affect the lien and right of the Crown to enforce payment of such money on any other timber cut on the same limit, if the sums for which such bonds or notes are given are not paid when due.

LIABILITY OF PERSONS CUTTING WITHOUT AUTHORITY.

58. If any person without authority cuts, or employs or induces any other person to cut or assist in cutting, any timber of any kind, on any Dominion lands wheresoever situate, or removes or carries away, or employs or induces, or assists any other person to remove or carry away any timber of any kind, so cut from any Dominion lands as aforesaid, he shall not acquire any right to the timber so cut, or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards

market; and when the timber has been removed out of the reach of the Crown Timber Officers, or it is otherwise found impossible to seize the same, he shall, in addition to the loss of his labour and disbursements, forfeit a sum not exceeding three dollars for each tree, which, or any part of which he is proved to have cut or carried away; and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any Court having jurisdiction in civil matters to the amount of the penalty,—and in all such cases the burden of proof of his authority to cut and take the timber shall lie on the party charged, and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary.

1. Whenever satisfactory information, supported by affidavit made before a Justice of the Peace, or before any other competent officer or person, is received by any Crown Timber Officer or Agent, that any timber has been cut without authority on Dominion Lands, and describing where the same can be found,—or if any Crown Timber Officer or Agent, from other sources of information, or his own knowledge, is aware that any timber has been cut without authority on such lands, the said agent, or officer, or either of them, may seize or cause to be seized in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until a decision can be had in the matter by competent authority;

2. And where the timber so reported or known to have been cut without authority, has been made up with other timber into a crib, dram, or raft, or in any other manner has been so mixed up at any mill or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority from other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until satisfactorily separated by the holder.

3. In case any timber cut without authority on Dominion lands, or any prodnct thereof, is seized under the provisions of this Act, by any Crown Timber Agent or Officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise, to his satisfaction for the full value thereof, or for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon, as the case may be.

59. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized; and if any person under any pretence, either by assault, force or violence, or by threat of such force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under this Act, such person shall be guilty of felony, and being convicted thereof, shall be punishable accordingly.

60. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken and carried away without permission of the officer or person who seized the same or of some competent authority, any timber seized and detained for any lawful cause under this Act, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, being the property of the Crown, and to be guilty of felony, and being convicted thereof, shall be punishable accordingly.

61. All timber seized under this Act on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown Timber Agent or Officer, under whose authority the seizure was made, that he claims or intends to claim the same; pending which the Officer or Agent seizing shall report the facts to the Minister of the Interior, who may order the sale of the said timber, by the said Officer or Agent, after a notice on the spot, or at the residence or office of the person from whom it was seized, of at least thirty days; or if, within fifteen days after the claim has been put in, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure; or if the decision of the court be against him; or should the claimant fail duly to prosecute such proceedings in the opinion of the Judge before whom such case may be tried (and who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted, anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and sold for the benefit of the Crown, by order of the Minister of the Interior, after a notice on the spot of at least thirty days: Provided, nevertheless, that in certain cases of timber being ascertained to have been cut without authority on any of the Dominion lands, or admitted to have been so cut by the holder thereof, the Minister of the Interior, should he see

cause for doing so, may impose and receive for the Crown a fine or penalty, to be levied on such timber, in addition to all costs incurred, and in default of such fine or penalty and costs being paid forthwith, may sell such timber by public sale after a notice of fifteen days, and may retain the whole proceeds of such sale, or the amount of the penalty and costs only, at the discretion of the Minister of the Interior.

GENERAL PROVISIONS.

62. Whenever any Crown Timber Agent, or other Officer or Agent of the Minister of the Interior is in doubt as to whether any timber has, or has not, been cut without authority, or is, or is not, liable to Crown dues on the whole or any part thereof, he may enquire of the person or persons in possession or in charge of such timber, as to when and where the same was cut: and if no satisfactory explanation, on oath or otherwise, as he may require, be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Minister of the Interior, or of such Crown Timber Agent or Officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof be not made within thirty days after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid according to the circumstances of the case, and the dues thereon may be recovered as provided in the fifty-sixth section.

63. And whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the Dominion lands aforesaid, the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same, or the party bringing such prosecution.

SLIDES, &c.

64. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, pier or boom, or other work, for the purpose of facilitating the descent of timber or saw-logs, previously constructed on such land, or on any stream passing through or along such land, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam pier or boom, or other work, is intended to be thereby sold or granted.

1. The free use of slides, dams, piers, booms or other works on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed by or in virtue of any sale or grant of Dominion lands made subsequent to the construction of such works.

65. The free use, for the floating of saw-logs and other timber rafts and drams, of all streams and lakes that may be necessary for the descent of timber from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or along the land on either side thereof, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads, other than road allowances, as owing to natural obstacles, may be necessary for the taking out timber or saw-logs from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected or obstructed by, or in virtue of, any sale or grant of such lands.

FOREST TREE CULTURE.

66. Any person, male or female, being a subject of Her Majesty by birth or naturalization, and having attained the age of eighteen years, shall be entitled to be entered for one legal sub-division, not in any case, however, exceeding one hundred and sixty acres, of unappropriated Dominion lands as a claim for forest tree planting.

67. Application for such entry shall be made in Form F in the schedule hereto, and the person so applying shall make an affidavit before the local agent according to Form G in the schedule hereto, and shall pay at the time of applying an office fee of ten dollars, in case such legal sub-division is one of one hundred and sixty acres, or of five dollars, in case such legal sub-division is one of eighty acres, or of two and a-half dollars, in case such legal sub-division is one of forty acres, for which fee he or she shall receive a receipt and also a certificate of entry, and shall thereupon be entitled to enter into possession of the land.

68. No patent shall issue for the land so entered until the expiration of eight years from the date of entering into possession thereof, and any assignment of such land shall be null and void unless permission to make the same shall have been previously obtained from the Minister of the Interior.

69. At the expiration of eight years or at any time within five years after the expiration of the said term, as hereinafter provided, the person who obtained the entry, or, if not living, his or her legal representative or assigns, shall receive a patent for the land so entered on proof to the satisfaction of the local agent as follows :—

1. That five acres of the land so entered, in case the same consists of a legal sub-division of one hundred and sixty acres, shall be broken or ploughed the first year after entry, and an equal quantity during the second year after entry.

2. That the five acres of the land entered, which have been broken or ploughed during the first year, shall be cultivated to crop during the second year, and the five acres broken or ploughed during the second year shall be cultivated to crop during the third year.

3. That the five acres broken or ploughed during the first year, and cultivated to crop during the second year as above provided, shall be planted in trees, tree-seeds or cuttings during the third year, and the five acres broken or ploughed during the second year, and cultivated to crop during the third year as above provided, shall be planted in trees, tree-seeds or cuttings during the fourth year :

Provided that in cases where the land entered consists of a legal sub-division less than one hundred and sixty acres, then the respective areas requiring to be broken or ploughed cultivated to crop, and planted, under this sub-section and the two sub-sections next preceding, shall be proportionately less in extent :

Provided also, that the Minister of the Interior, in his discretion, and on his being satisfied that any trees, tree-seeds, or cuttings, may have been destroyed from any cause not within the control of the person holding the tree-claim, may grant an extension of time for carrying out the provisions of the three sub-sections next preceding :

Provided also, that at the expiration of the said term of eight years, or at any time within five years thereafter, the person obtaining such tree-claim, on proving to the satisfaction of the Minister of the Interior that he or she has planted not less than two thousand seven hundred trees on each acre of the portion broken or ploughed and cultivated to crop as hereinbefore provided, and that at the time of applying for a patent for the tree-claim, there are then growing thereon at least six hundred and seventy-five living and thrifty trees to each acre, the claimant shall receive a patent for the legal sub-division entered.

70. If at any time the claimant fails to do the breaking up or planting or either, as required by this Act, or any part thereof,

or fails to cultivate, protect and keep in good condition, such timber, then and upon such event the land entered shall be liable to forfeiture in the discretion of the Minister of the Interior, and may be dealt with in the same manner as homesteads which may have been cancelled for non-compliance with the law as set forth in sub-section sixteen of section thirty-three of this Act.

71. Provided that no person who may have obtained pre-emption entry of a quarter-section of land in addition to his homestead entry under theprovisions of sub-section one, of section thirty-four of this Act, shall have the right to enter a third quarter-section as a tree planting claim; but such person, if resident upon his homestead, may have the option of changing the pre-emption entry of the quarter-section, or of a less quantity of such quarter-section, for one under the foregoing provisions, and on fulfilling the preliminary conditions as to affidavit and fee, may receive a certificate for such quarter section, or for such quantity thereof as may have been embraced in the application; and thereupon the land included in such change of entry shall become subject in all respects to the provisions of this Act relating to tree planting.

72. Any person who may have been entered for a tree planting claim under the foregoing provisions, and whose right may not have been forfeited for non-compliance with the conditions thereof, shall have the same rights of possession, and to eject trespassers from the land entered by him, as are given to persons on homesteads under sub-section seventeen of section thirty-three of this Act, and the title to land entered fora tree planting claim shall remain in the Government until the issue of a patent therefor, and such land shall not be liable to be taken in execution before the issue of the patent.

73. Persons who may have been entered under the provisions of the Act 39 Victoria, chapter 19, for land as a claim for tree-planting, may, if they choose to do so, avail themselves of the provisions of this Act in that behalf.

PATENTS.

74. A Deputy Governor may be appointed by the Governor General, who shall have the power in the absence or under instructions of the Governor General, to sign letters patent of Dominion lands; and the signature of such Deputy Governor to such patents, shall have the same force and virtue as if such patents were signed by the Governor General.

75. Whenever a patent has been issued to or in the name of a wrong party or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister of the Interior may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead, which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent.

76. In all cases in which grants or letters patent have issued for the same land, inconsistent with each other, through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the Minister of the Interior may order a new grant equivalent in value to the land of which any grantee or purchaser is thereby deprived, at the time the same was granted ; or may, in cases of sale, cause repayment to be made of the purchase-money with interest ; or when the land has passed from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a free grant, the Minister of the Interior may assign land or grant a certificate entitling the party to purchase Dominion lands of such value as to him, the Minister of the Interior, may seem just and equitable under the circumstances ; but no claim under this clause shall be entertained unless it is preferred within five years after the discovery of the error.

77 Whenever by reason of false survey, or error in the books or plans of the Dominion Lands Office, any grant, sale or appropriation of land is found to be deficient, the Minister of the Interior may order a free grant equal in value to the ascertained deficiency at the time such land was granted or sold ; or in case any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Minister of the Interior may order the purchase-money of so much land as is deficient, with interest thereon at the rate of six per centum per annum, from the time of the application therefor, to be paid back to the purchaser ; or if the land has passed from the original purchaser, then the purchase-money which the claimant (provided he was ignorant of the deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon, from the time of the application therefor, to be paid to him in land or in money, as he, the Minister of the Interior, may direct : or, in case of a free grant, he may order a grant of other land, equal in value to the land so intended as a free grant, at the time such grant was made ; but no such claim shall be entertained unless application has been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole

quantity described as being contained in the particular lot or parcel of land granted.

78. In all cases wherein patents for lands have issued through fraud, or in error, or improvidence, any Court having competent jurisdiction in cases respecting real property in the Province or place where such lands are situate, may, upon action, bill or plaint respecting such lands and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Court shall order, decree such patent to be void; and upon the registry of such decree in the office of the Registrar-General of the Dominion, such patent shall be void to all intents.

79. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or whenever any person is wrongfully in possession of Dominion land, and refuses to vacate or abandon possession of the same, the Minister of the Interior may apply to a Judge of any Court having competent jurisdiction in cases respecting real property in the Province or place in which the land lies, for an order in the form of a writ of ejectment or of *habere facias possessionem*, and the said Judge, upon proof to his satisfaction that such land was so forfeited, and should properly revert to the Crown, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Minister of the Interior or person by him authorized to receive such possession; and such order shall have the same force as a writ of *habere facias possessionem*, and the Sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or petitory action.

80. The Minister of the Interior shall keep a book for registering, at the option of the parties interested, any assignment of rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignment is in conformity with this Act; and every assignment so registered shall be valid against any other previously made but subsequently registered, or unregistered; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed, or dispensed with by the Minister of the Interior before the assignment is registered.

81. On any application for a patent by the heir, assignee, devisee or legal representative of a party dying entitled to such patent, the Minister of the Interior may receive proof of the facts in such manner as he may see fit to require, and upon being satisfied that the claim has been justly established may allow the same and cause a patent to be issued

accordingly: but nothing in this section shall limit the right of the party claiming a patent to make his application as provided for in Section twenty-six of this Act.

82. Every entry, receipt or certificate issued by an agent of Dominion Lands shall, unless such entry shall have been revoked or cancelled by the Minister of the Interior, entitle the person to whom the same was granted to maintain suits at law or in equity against any wrong doer or trespasser on the lands so entered, as effectually as he could do under a patent of such land from the Crown.

SURVEYS AND SURVEYORS.

WHO SHALL BE COMPETENT TO SURVEY THE DOMINION LANDS.

83. No person shall act as surveyor of Dominion lands unless he shall, before the fourteenth day of April, 1872, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the Provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth.

1. Persons qualified under the said provisions shall be styled "*Dominion Land Surveyors*," or "*Dominion Geodetic Surveyors*," as the case may be.

BOARD OF EXAMINERS.

84. There shall be a Board of Examiners for the examination of candidates for commissions as Dominion Lands Surveyors, or as articled pupils, to consist of the Surveyor General and eight other competent persons to be appointed from time to time by Order in Council. and the meetings of the Board shall commence on the second Monday in the months of May and November in each year, and may be adjourned from time to time; and the place of meeting shall be at Ottawa, or at some place in Manitoba or the North-West Territories, as the same shall, from time to time, be fixed, and made public by notice in the *Canada Gazette*.

1. Each member of the said Board shall take an oath of office according to form C, to be administered by a judge of any one of the Superior Courts in any Province in the Dominion, who is hereby authorized and required to administer such oath; and any three of the said members shall form a quorum.

2. The said Board shall from time to time appoint a fit and proper person to be Secretary thereof, who shall keep a record of its proceedings.

85. No person shall be admitted as an articled pupil with any Dominion Land Surveyor unless he has previously passed an examination before the Board of Examiners, or before one of the members thereof, or before some Surveyor deputed by the board for the purpose, as to his ability to write English correctly, and also as to his knowledge of vulgar and decimal fractions, the extraction of the square and cube roots, of the first three books of Euclid, the rules of plane trigonometry, the mensuration of superficies and use of logarithms, and has obtained a certificate of such examination and of his proficiency from such board.

86. Applicants for such examination, previous to being articled, shall give notice to the secretary of the board of their desire to present themselves for examination; whereupon such officer shall instruct them accordingly as to the mode in which they must proceed.

87. Any Dominion Land Surveyor may by an instrument in writing transfer a pupil, with his own consent, to any other Dominion Land Surveyor, with whom such pupil may serve the remainder of his term.

88. If any Dominion Land Surveyor dies or leaves the Dominion, or is suspended or dismissed, his pupil may complete his term under articles, as aforesaid, with any other Dominion Land Surveyor.

89. Articled pupils must transmit to the secretary of the board within three months of the date of their articles, a duplicate thereof, together with a fee of two dollars for receiving and filing the same; and the said secretary shall acknowledge the receipt of such papers, and shall carefully file and keep the same with the records of the board.

90. No pupil shall be entitled to be examined before such board unless he shall have previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form D, duly executed before two witnesses, as pupil to a Dominion Land Surveyor, engaged during the said period in the survey of Dominion Lands, nor unless he shall produce a certificate from such Surveyor of his having so served during the said period, and shall also produce satisfactory testimony as to his character for probity and sobriety.

91. Any person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, shall have been duly qualified by certificate, diploma or commission, to survey lands in any Province of the Dominion, in which, in order to be so qualified, a course of study,

including the subjects prescribed by section
is required by the law of such Province, shall be entitled to obtain, without being subjected to any examination other than as regards the system of survey of Dominion lands, a commission as Dominion Land Surveyor; Provided that it shall rest with the Board of Examiners to decide whether the qualifications required of a surveyor of Crown lands in such Province are sufficiently similar to those set forth in the said section of this Act, to entitle him, under the foregoing provisions, to such commission; And provided further, that it must be shown that such Province has reciprocated the privilege hereby granted, by granting to Dominion Land Surveyors, on their application, and without subjecting them to an examination except as regards a knowledge of the survey laws of such Province, diplomas, certificates or commissions, as the case may be, as Surveyors of lands within such Province.

Land Surveyors holding diplomas, certificates or commissions for Provinces of the Dominion in which the qualifications required by law for Surveyors, are not similar to those prescribed by this Act, must undergo examination by the Board, and satisfactorily pass the same, in order to obtain commissions as Dominion Land Surveyors.

92. Any person who may have been duly admitted as a surveyor of lands in any part of Her Majesty's Dominions other than Canada, shall be entitled to an examination by the said board, and to a commission, if found qualified, on his producing a written certificate of a Dominion Land Surveyor, that such person has within the previous two years served for one year with him continuously engaged in surveying the Dominion lands, and that he considers such person as in every way qualified to pass an examination for a commission as a Dominion Land Surveyor.

93. Any person who shall have followed a regular course of study in all the branches of education required by this Act for admission as a Dominion Land Surveyor through the regular sessions for at least two years, in any college or university where there may be organized a complete course of such instruction, and who has thereupon received from such college or university a certificate, diploma or degree, vouching therefor, shall not be obliged to serve three years as aforesaid, but shall be entitled to examination after one year's service under articles with a Dominion Land Surveyor engaged during such period in surveying Dominion lands.

94. Every person desiring to be examined before the said board shall give due notice thereof in writing to the secretary at least one month previous to the meeting of the board, enclosing with such notice the fee hereinafter prescribed.

95. No person shall receive a commission from the said board authorizing him to practise as a Dominion Land Surveyor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the said board on the following subjects: that is to say:—Euclid, first four books, and propositions first to twenty-first of the sixth book; plane trigonometry, so far as it includes solution of triangles; the use of logarithms, mensuration of superficies, including the calculation of the area of right-lined figures by latitude and departure, and the dividing or laying off land; a knowledge of the rules for the solution of spherical triangles, and of their use in the application to surveying of the following elementary problems of practical astronomy:—

1. To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star;

2. To obtain the local time and the azimuth, from an observed altitude of the sun or a star;

3. From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter.

He must be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments, and must also be perfectly conversant with the system of survey as embodied in the "*Dominion Lands Acts*," and with the manual of standing instructions and regulations published from time to time for the guidance of Dominion Land Surveyors.

96. The board may examine any candidate on oath (which oath may be administered by any one of the Examiners) as to his actual practice in the field, and with regard to his instruments.

97. Each person passing the examination prescribed by this Act shall receive a commission from the board in accordance with Form E in the schedule to this Act constituting him a Dominion Land Surveyor, and shall, jointly and severally with two sufficient sureties to the satisfaction of the board, enter into a bond in the sum of one thousand dollars, to Her Majesty, Her Heirs and Successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe the oath of allegiance, and the following oath, before the Board of Examiners, any

one of whom is hereby empowered to administer the same :—

"I, , do solemnly swear (*or* affirm, *as the case may be*) that I will faithfully discharge the duties of a Dominion Land Surveyor according to law, without favor affection or partiality. So help me God."

1. Until the above formalities shall have been gone through the said commission of Dominion Land Surveyor shall have no effect.

2. The said oaths of allegiance and of office shall be deposited in the Dominion Lands Office.

3. The said bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of the Dominion, and shall be subject to the same provisions, and shall enure to the benefit of any party sustaining damage by breach of any condition thereof; and the commission shall be regis tered in the office of the Registrar-General of the Dominion-

98. Any person entitled to receive or already possessing a commission as Dominion Land Surveyor and having previously given the notice prescribed in section of this Act, may be examined as to the knowledge he may possess of the following subjects relating to the higher surveying, qualifying him for the prosecution of extensive governing or topographic surveys or those of geographic exploration, that is to say :—

1. Algebra, including quadratic equations, series, and cal culation of logarithms;

2. The analytic deduction of formulas of plane and spherical trigonometry;

3. The plane co-ordinate geometry of the point, straight line the circle and ellipse, transformation of co-ordinates, and the determination either geometrically or analytically of the radius of curvature at any point in an ellipse;

4. Projections,—the theory of those usually employed in the delineation of spheric surface;

5. Method of trigonometric surveying, of observing the angles and calculating the sides of large triangles on the earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, having a regard to the effect of the figure of the earth;

6. The portion of the theory of practical astronomy relating to the determination of the geographic position of points on the earth's surface, and the directions of lines on the same, that is to say :—

Methods of determining latitude—
a. By circum-meridian altitudes.
b. By differences of meridional zenith distance (Talcott's method).
c. By transits across prime vertical;
Determination of azimuth—
a. By extra meridional observations,
b. By meridian transits;
Determination of time—
a. By equal altitudes,
b. By meridian transits;
Determination of differences of longitude—
a. By electric telegraph,
b. By moon culminations;

7. The theory of the instruments used in connection with the foregoing, that is to say :—The sextant or reflecting circle, altitude and azimuth instrument, astronomic transit, zenith telescope and the management of chronometers ; also of the ordinary meteorological instruments, barometer, mercury and aneroid, thermometers, ordinary and self-registering, anemometer, and rain gauges,—and on their knowledge of the use of the same ;

8. Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence ; the ores of the common metals and the classification of rocks ; and the geology of North America so far as to be able to give an intelligent outline of the leading geological features of the Dominion.

99. Persons who pass the above mentioned examination in the higher branches of surveying, shall have the fact certified by the Board, and shall be designated Dominion Topographical Surveyors.

100. The following fees shall be paid under the provisions of this Act :—

1. To the secretary of the board, by each pupil, on giving notice of his desire for examination preliminary to being articled, one dollar ;

2. To the secretary of the board, as the fee due on such examination, ten dollars, and a further sum of two dollars for certificate ;

3. To the secretary of the board, by each pupil, at the time of transmitting to such secretary the indentures or articles of such pupil, two dollars;

4. To the secretary of the board, by each candidate for either the ordinary or the higher examination for a commission, with his notice thereof, two dollars;

5. To the secretary of the board, by each applicant obtaining a commission, as his fee thereon, two dollars;

6. To the secretary of the board, as an admission fee by any candidate receiving a commission, twenty dollars, which sum shall also cover the certificate by the board in the case of a candidate passing the higher examination; but such amount, as also the ten dollars required to be paid under sub-section two of this section, shall be paid to the Receiver-General to the credit of Dominion Lands.

101. Each of the members in attendance at the said board during examinations and the secretary shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance; and the Minister of the Interior is hereby authorized and required to pay such sums: Provided, that no member of the board, if at the time of the meeting he be over one hundred miles distant from the place of meeting, shall receive any allowance for being present at such meeting, unless such member shall have been previously specially notified to attend the same by the secretary; and in the case of the examination of a pupil previous to being articled, by a member of the board, or by a surveyor deputed by the board for such purpose, such member or such surveyor shall be paid five dollars for such examination.

102. The said board may, in their discretion, suspend or dismiss from the practice of his profession any Dominion Land Surveyor whom they may find guilty of gross negligence or corruption in the execution of the duties of his office; but the board shall not suspend or dismiss such Dominion Land Surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered both in support of the complaint, and on behalf of such Surveyor.

STANDARD OF MEASURE.

103. The measure of length used in the surveys of Dominion lands, shall be the English measure of length, and every Dominion Land Surveyor shall be in possession of a subsidiary standard thereof, which subsidiary standard

tested and stamped as correct by the Department of Inland Revenue, shall be furnished him by the said Department, on payment of a fee of three dollars therefor; and all Dominion Land Surveyors shall from time to time regulate and verify by such standard the length of their chains and other instruments for measuring.

HOW TO RENEW LOST CORNERS AND OBLITERATED LINES.

104. In all cases when any Dominion Land Surveyor is employed to run any dividing line or limit between sections, or other legal subdivisions, or wood lots, and the mound, post or monument, erected, marked or planted in the original survey to define the corner of such section, or other legal subdivisions, or wood lot, cannot be found, he shall obtain the best evidence that the nature of the case may admit of respecting such corner mound, post or monument; but if the same cannot be satisfactorily ascertained, then he shall measure the true distance between the nearest undisputed corner mounds, posts or monuments and divide such distance into such number of sections or other legal subdivisions, or wood lots (as the case may be) as the same contained in the original survey, giving to each a breadth proportionate to that intended in such original survey, as shewn on the plan and field notes thereof of record in the Dominion Lands Office; and if any portion of the township or section line (as the case may be) on which such corner mound, post or monument was or should have been planted in the original survey, should be obliterated and lost, then the Surveyor shall renew such township or section line (as the case may be) and shall draw and define the same on the ground, in such manner as to leave each and every of the adjoining sections or other legal subdivisions (as the case may be) of a width and depth proportionate to that severally returned for such section or legal subdivision in the original survey, and shall erect, plant or place such intermediate mounds, posts or monuments as he may be required to erect, plant or place, in the line so ascertained, having due respect to any allowance for a road or roads, and the corner, or division, or limit so found shall be the true corner, or division or limit of such section or other legal subdivision, or wood lot.

HOW LEGAL SUBDIVISIONS ARE TO BE SURVEYED AND LAID OUT.

105. In all cases when a Dominion Land Surveyor is employed to lay out a given half-section or quarter-section, he shall effect the same by connecting the opposite original quarter-section corners (should the same be existing, or if the same be not existing, by connecting the several points in lieu thereof found in accordance with the preceding clause)

by straight lines; and in laying out other and minor legal subdivisions, in any quarter-section, or any wood lot, he shall give such legal subdivision or wood lot, as the case may be, its proportionate share of the frontage and interior breadth of such quarter-section, and connect the points so found by a straight line; and the lines or limits so drawn as above on the ground, shall in the respective cases be the true lines or limits of such half-section or quarter-section, or other legal subdivision, or wood lot, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands.

TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

106. The dividing lines or limits between legal subdivisions or wood lots in fractional sections shall be drawn from the original corners (or the points representing such corners, as defined on the ground in accordance with the provisions of this Act,) in the section line intended as the front of such subdivision or wood lot, at right angles to such section line.

ORIGINAL BOUNDARY LINES.

107. All boundary lines of townships, sections or legal subdivisions, towns or villages, and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, and all mounds, posts or monuments, run and marked, erected, placed or planted at the angles of any townships, towns, villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, under the authority of this Act or of any order of the Governor in Council, shall be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land respectively, whether the same upon admeasurement be, or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land.

108. Every township, section or other legal subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively, so erected, marked, placed, or planted as aforesaid, at the several angles thereof, and no more or less, any quantity or measure expressed in the original grant or patent thereof notwithstanding.

109. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other legal sub-

construed to be a grant of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed in such patent, grant, or instrument.

110. In every town and village in Manitoba or the North-West Territories, which may be surveyed and laid out under the provisions of this Act, all allowances for any road, street, lane, lot or common, laid out in the original survey of such town or village, shall be public highways and commons; and all mounds, posts or monuments, placed or planted in the original survey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot or common; and all Dominion Land Surveyors employed to make surveys in such town or village, shall follow and pursue the same rules and regulations in respect of such surveys, as are by law required of them when employed to make surveys in townships.

111. For better ascertaining the original corner or limits of any township, section, or other legal subdivision, lot or tract of land, every Dominion Land Surveyor acting in that capacity, may administer an oath or oaths to each and every person whom he may examine concerning any corner mound, post, monument or other boundary, or any original land-mark, line, limit or angle, of any township, section or other legal subdivision, lot or tract of land which such Dominion Land Surveyor is employed to survey.

EVIDENCE BEFORE SURVEYORS.

112. When any Dominion Land Surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, then if such person does not willingly appear before, and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, such Surveyor may apply to any Justice of the Peace for an ordinary *Subpœna* as witness, or a *Subpœna duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such Justice of the Peace, of the facts on which the application is founded, and such Justice may issue a *Subpœna* accordingly, commanding such person to appear before the Surveyor at a time and place to be mentioned in the *Subpœna*, and (if the case require it) to

bring with him any writing, plan or document mentioned or referred to therein.

1. Such *Subpœna* shall be served on the person named therein by delivering a copy thereof to him or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original.

2. If the person commanded to appear by such *Subpœna* after being paid his reasonable expenses, or having the same rendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the *Subpœna*, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, a warrant by the Justice for the arrest of such person may be issued, and he may be punished accordingly by fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of such Justice.

113. All evidence taken by any Dominion Land Surveyor as aforesaid shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person, or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as also the Dominion Land Surveyor, and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by any Dominion Land Surveyor, with reference to any survey by him performed, may be filed and kept at the Registry Office of the place in which the lands to which the same relates are situate, subject to be produced thereafter in evidence in Court

114. Any Dominion Land Surveyor when engaged in the performance of his duties as such, may pass over, measure along, and ascertain the bearings of any township or section line, or other Government line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person.

PROTECTION TO SURVEYORS.

115. If any person in any part of the Dominion lands interrupts, molests or hinders any Dominion Land Surveyor, while in the discharge of his duty as a Surveyor, such person shall be guilty of a misdemeanor, and being thereof lawfully convicted in any Court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such Court, such imprisonment being for a period not exceeding two months, and such fine not exceed-

ing twenty dollars, without prejudice to any civil remedy which such Dominion Land Surveyor or any other party may have against such offender for damages occasioned by such offence.

116. If any person knowingly and wilfully pulls down, defaces, alters, or removes any mound, post or monument erected, planted or placed in any original survey under the provisions of this Act, or under the authority of any Order in Council, such person shall be deemed guilty of felony; and if any person knowingly and wilfully defaces, alters, or removes any other mound or land-mark, post or monument placed by any Dominion Land Surveyor to mark any limit, boundary or angle of any township, section or other legal sub-division, lot or parcel of land in Manitoba, or the North-West Territories, such person shall be deemed guilty of a misdemeanor; and being convicted thereof before any competent Court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such Court, such fine not to exceed one hundred dollars, and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages occasioned by reason of such offence: Provided that nothing in this Act shall extend to prevent Dominion Land Surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

117. Every Dominion Land Surveyor shall keep exact and regular journals and field notes of all his surveys of Dominion lands, and file them in the order of time in which the surveys shall have been performed, and shall give copies thereof to the parties concerned when so required, for which he is hereby allowed the sum of one dollar for each copy, if the number of words therein do not exceed four hundred; but if the number of words therein exceed four hundred, he is allowed ten cents additional for every hundred words over and above four hundred words.

118. There shall be allowed to every Dominion Land Surveyor summoned to attend any Court, civil or criminal, for the purpose of giving evidence in his professional capacity as a Surveyor, for each day he so attends (in addition to his reasonable travelling and living expenses), and to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such Court, five dollars.

ASSIGNMENTS.

119. The Surveyor-General shall keep a book for registering, at the option of the parties interested, the particulars of

any assignment made, as well by the original homestead purchaser, or locatee or lessee of Dominion lands, or his heir or legal representative, as by any subsequent assignee, and upon such assignment being produced with the affidavit of due execution thereof, and of the time and place of such execution, and the names, residences and occupations of the witnesses, the said Surveyor-General shall cause the material particulars of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a certificate of such registration, and every such assignment so registered shall be valid against any one previously executed, and subsequently registered or unregistered, but all assignments to be registered must be unconditional, and all the conditions of sale, grant or location, must have been complied with, or if dispensed with, then so dispensed with by the Minister of the Interior, before such registration is made.

120. If any subscribing witness to any such assignment is deceased or cannot be found, the said Surveyor-General may register such assignment on the production of an affidavit proving the death or the absence of such witness and the hand-writing of the party making such assignment.

TARIFF OF FEES

121. The Governor in Council may establish a tariff of fees to be charged for all copies of maps, township plans, field notes and other records; also for registering assignments; and all fees received under such tariff shall be accounted for by the Surveyor-General, and shall form part of the revenue from Dominion lands.

TOWNSHIP PLANS AND PATENT LISTS.

122. The Surveyor-General shall transmit to the Registrar of every county, and registration district, and division in Manitoba and the North-West Territories, a copy of the plan of each township or parish within such county, district or division which has been previously surveyed, and the survey of which has been confirmed, and shall also at the same time transmit a list of all Dominion lands, within such county, district or division, for which patents may have previously issued; and further, shall, as early as possible in each year thereafter, transmit to such Registrar a copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a list of the lands in such county, district or division, patented during such year. All of such copies of plans, maps and lists of lands patented, shall be certified by the Surveyor-General.

123. Whereas by the fifth sub-section of the thirty-second section of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, it is provided that the rights of common and of cutting hay held and enjoyed by the settlers in the Province of Manitoba, may be commuted by grants of land from the Crown; and whereas the method of commuting the said rights by an issue of scrip redeemable only in land, is most convenient and expedient; and whereas it is also expedient to affirm the principle that rights to Dominion land may be satisfied by an issue of scrip; therefore, the Orders of the Governor in Council, dated respectively the sixth day of September, and the seventeenth day of April 1873, providing for the issue of scrip in commutation of the rights of common and of cutting hay in Manitoba, are hereby confirmed.

124. The Governor in Council may, if deemed by him expedient, satisfy any claim which may hereafter arise to grants of Dominion lands, by an issue of scrip redeemable only by its receipt in payment for such land.

GENERAL PROVISIONS.

125. The following powers are hereby delegated to the Governor in Council:—

a. To withdraw from the operation of the said Act, subject to their existing rights as defined or created under the same, such lands as have been reserved for Indians, or such as may be required to satisfy the half-breed claims created under section thirty-one of the Act thirty-three Victoria, chapter three.

b. To reserve from general sale and settlement Dominion lands to such extent as may be required to aid in the construction of railways in Manitoba or in the Territories owned by the Dominion, and to provide for the disposal of such lands, notwithstanding anything contained in the said Act, in such manner and on such terms as may be deemed expedient.

c. To encourage works undertaken with a view of draining and reclaiming swamp lands by granting to the promoters of such works remuneration in the way of grants of such portions of the lands so reclaimed as may be deemed fair and reasonable.

d. To grant land—in no case, however, to exceed in extent one thousand acres—to any person or persons who will establish and keep in operation thereon for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, adapted for

thirty pupils, with the approval and to the satisfaction of the Minister of the Interior.

e. To satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba, on the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions, as may be deemed expedient.

f. To investigate and adjust claims preferred to Dominion land situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, eighteen hundred and seventy, and to grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to, and, being by themselves or their servants, tenants or agents, or those through whom they claim, in actual peaceable possession thereof at the said date, so much land in connection with and in satisfaction of such claims, as may be considered fair and reasonable.

g. To make such orders as may be deemed necessary from time to time to carry out the provisions of the said Act according to their true intent, or to meet any cases which may arise and for which no provision is made in the said Act; and further to make and declare any regulations which may be considered necessary to give the provisions in this section contained full effect; and from time to time to alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead; and such orders or regulations shall be published in the *Canada Gazette* and in such newspapers as the Minister of the Interior may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof.

126. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits, or any Dominion Lands Agent or Officer, or any person specially authorized to take such affidavits by the Minister of the Interior.

127. In any case where an affidavit or oath is required by this Act, a solemn affirmation may be administered and made instead of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath.

PREVIOUS ORDERS IN COUNCIL

128. All proceedings properly taken under the respective Orders in Council, on the subject of the *Public Lands in the*

Province of Manitoba, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May, following the said date, are hereby confirmed, and the said respective Orders, except the provision therein respecting pre-emption rights, which is hereby repealed and done away with, (and except such of the provisions thereof as may be inconsistent with the provisions of this Act, and which are hereby revoked), shall be and remain in force: Provided that this enactment shall in no way affect the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-eight.

129. Subject to the provisions hereinafter made, the Act passed in the thirty-fifth year of Her Majesty's Reign and intituled "*An Act respecting the Public Lands of the Dominion*," and the Act passed in the thirty-seventh year of Her Majesty's Reign, and intituled "*An Act to amend the Dominion Lands Act*," and the Act passed in the thirty-ninth year of Her Majesty's Reign, and intituled "*An Act to amend the Dominion Lands Acts*," are hereby repealed, and this Act is substituted for them; Provided always, that all enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired or liabilities incurred under them or any of them shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under this Act, which shall not be construed as a new law, but as a consolidation and continuation of the said repealed Acts subject to the amendments hereby made and incorporated with them; and any thing heretofore done under any provision in any of the said repealed Acts which is repeated without alteration in this Act, may be alleged or referred to as having been done under the Act in which such provision was made, or under this Act.

SCHEDULE.

FORM A.—*See Section* 34.

APPLICATION FOR A HOMESTEAD RIGHT.

I, of do hereby apply to be entered, under the provisions of the "*Dominion Lands Act*, 1878," for quarter quarter sections, numbers and forming part of section number of the Township of containing acres, for the purpose of securing a homestead right in respect thereof.

FORM B.—*See Section 84, Sub-section 8.*

AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD RIGHT.

I, A. B., do solemnly swear (*or* affirm as the case may be) that I am over eighteen years of age, that I have not previously obtained a homestead under the provisions of the *Dominion Lands Act*, that the land in question belongs to the class open for homestead entry ; that there is no person residing or having improvements thereon, and that the application is made for my exclusive use and benefit, with intention to reside upon and cultivate the said land. So help me God.

FORM C.—*See Section 84, Sub-section 1.*

OATH OF MEMBERS OF BOARD OF EXAMINERS.

I, A. B., do solemnly swear (*or* affirm *as the case may be*), that I will faithfully discharge the duty of an Examiner of Candidates for Commissions as Dominion Land or Geodetic Surveyors, according to law, without favor, affection or partiality. So help me God.

FORM D.—*See Section 90.*

ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

THESE ARTICLES OF AGREEMENT, made the day of one thousand eight hundred and between A. B., of of Dominion Land Surveyor of the one part, and C. D., of and E. F., son of the said C. D. of the other part, witness :—

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B. to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence next ensuing, and fully to be completed and ended.

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F. shall well, and faithfully, and diligently according to the best and utmost of his power serve the said A. B. as his pupil in the practice or profession of a Dominion Land Surveyor, which he the said A. B. now followeth, and shall abide and continue with him from the day of the date

hereof, for and during and unto the full end of the said term of three years.

And that he the said E. F. shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A. B., his executors, administrators or assigns, or of any of his employers; and that in case the said E. F. shall act contrary to the last-mentioned covenant, or, if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehavior, neglect or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value thereof.

And further, that the said E. F. shall at all times keep the secrets of the said A. B. in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B. in all matters and things, and from time to time pay all moneys which he shall receive of or belonging to or by order of the said A. B. into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself from the service or employ of the said A. B. at any time during the said term without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence, and with honesty and sobriety.

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he the said E. F. will truly, honestly and diligently serve the said A. B. at all times, for and during the said term, as a faithful pupil ought to do in all things whatsoever in the manner above specified.

In consideration whereof, and of of lawful money by the said C. D. to the said A. B., paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), the said A. B. for himself, his heirs, executors and administrators, doth covenant with the said C. D., his heirs, executors and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he the said A. B. will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed section of the "*Dominion Lands Act*, 1879," in practical surveying operations and in the use of instruments, and generally in

the art, practice and profession of a Dominion Land Surveyor, which he the said A. B. now doth, and shall at all times during the said term, use and practice, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, give to the said E. F., a certificate of servitude and use his best means and endeavours, at the request, cost and charges of the said C. D. and E. F., or either of them, to cause and procure him the said E. F. to be examined before the Board of Examiners of candidates for commissions as of Dominion Land Surveyors: Provided the said E. F. shall have well, faithfully and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them the said A. B. and C. D., doth bind himself, his heirs, executors and administrators, unto the other, his heirs, executors, administrators and assigns, in the penal sum of Five Hundred Dollars, firmly by these presents.

IN WITNESS WHEREOF the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

A. B. (Seal.)
C. D. (Seal.)
E. F. (Seal.)

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

G. H.
J. K.

FORM E.—*See Section* 97.

COMMISSION AS DOMINION LAND SURVEYOR.

This is to certify to all whom it may concern that A. B., of hath duly passed his examination before the Board of Examiners, and hath been found duly qualified to fill the office and perform the duties of Dominion Land Surveyor, he having complied with all the requirements of the law in that behalf: Wherefore he the said A. B. is hereby duly admitted to the said office, and commissioned for the discharge of the duties thereof, and is by law authorized to practice as a Surveyor of Dominion lands.

In Witness whereof We, the President and Secretary of the said Board, have signed this Commission, at , on this day of , one thousand eight hundred and

C. D.,
Surveyor General.
E. F.,
Secretary.

FORM F.—*See Section* 67.

Application for land for forest tree culture.

I, A. B., do hereby apply to be entered under the provisions respecting forest tree culture of "*The Dominion Lands Act* 1879," for the Section in Township number , in the Range of the Meridian, for the purpose of cultivating forest trees thereon.

FORM G.—*See Section* 67

Affidavit in support of claim for forest tree culture.

I, A. B., do solemnly swear, (*or* affirm, *as the case may be*,) that I am over eighteen years of age; that I have not previously obtained an entry of land for forest tree culture, the extent of which, added to that now applied for, will exceed in all one hundred and sixty acres; that the land now in question is open prairie and without timber, and is unoccupied and unclaimed, and belongs to the class open for entry for tree culture (*or, instead of the above, after the word* "question," *as the case may be, say*, consists of the quarter-section heretofore entered by me as a pre-emption right, under the provisions of sub-section one of section thirty-three of the "*Dominion Lands Act*,") and that the application is made for my exclusive benefit. So help me God.

No. 108.] **BILL.** [1879

An Act to provide for the payment of an additional temporary grant to the Province of Manitoba.

Preamble.

WHEREAS, from the circumstances stated in the minute of the Governor in Council, bearing date the eighteenth April, one thousand eight hundred and seventy-nine, laid before Parliament during the present Session, it appears that it is expedient that Canada should make to the Province of Manitoba an additional temporary annual grant sufficient to raise the yearly revenue of the Province, derivable from Canada, to one hundred and five thousand six hundred and fifty-three dollars and four cents: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Additional subsidy to Manitoba.

1. Manitoba shall receive from Canada, in addition to the subsidy now payable under the Act in that behalf, and in addition to the sum payable under the authority of the first section of the Act, chapter three, thirty-ninth Victoria, a further annual grant of fifteen thousand six hundred and fifty-three dollars and four cents, being the sum required to raise the revenue of the Province derivable from Canada to the amount aforesaid; the said additional grant to be payable by half-yearly instalments, and to commence and be reckoned from the first day of July, one thousand eight hundred and seventy-nine, and to continue until the end of the year one thousand eight hundred and eighty-one.

How payable, and for how long.

Out of Con. Rev. Fund.

2. The sums payable under this Act shall be a charge upon and payable out of the Consolidated Revenue Fund of Canada.

No. 108.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

An Act to provide for the payment of an additional temporary grant to the Province of Manitoba.

Received and read, first time, Tuesday, 6th May, 1879.

Read second time, Tuesday, 6th May, 1879.

Mr. TILLEY

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1879.

No. 199] **BILL.** [1879.

An Act to provide for the Salary of one additional Judge of the Supreme Court of New Brunswick, and for the Salary of any future Judge in Equity of the Supreme Court of Nova Scotia.

Preamble.

WHEREAS, by an Act passed by the Legislature of the Province of New Brunswick in the year 1879, entitled: "*An Act relating to the Supreme Court*," provision is made for the appointment of a Judge in Equity of the Supreme Court of New Brunswick, in addition to the number of Judges now authorized to be appointed to that Court, and it is expedient to make provision for the salary of such additional Judge; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Salary of additional Judge, N.B.

1. The salary of such additional Judge of the Supreme Court of New Brunswick shall be four thousand dollars per annum, and shall be payable out of any moneys forming part of the Consolidated Revenue Fund of Canada.

Salary of any future Judge in Equity of Supreme Court, N.S. Act 36 V., c. 31, s. 6, amended.

2. After the present Judge in Equity of the Supreme Court of Nova Scotia ceases to hold such office, the salary of the Judge in Equity of the Supreme Court of Nova Scotia shall be four thousand dollars per annum; and the Act thirty-sixth Victoria (1873), chapter thirty-one, section six, is hereby amended accordingly.

No. 109.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to provide for the salary of one additional Judge of the Supreme Court of New Brunswick.

Received and read, first time, Tuesday, 6th May, 1879.

Second reading, Tuesday, 6th May, 1879.

Mr. McDONALD,
Pictou.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

1879.

No. 110.] **BILL** [1879.

An Act respecting the salaries of the County Court Judges of Prince Edward Island.

Preamble.

WHEREAS, in the Provinces of Ontario, New Brunswick and Nova Scotia, the salary of each County Court Judge (except those of the County of York, in Ontario, the County of St. John, in New Brunswick, and the County of Halifax, in Nova Scotia) is two thousand dollars per annum for the first three years of service, and two thousand four hundred dollars per annum thereafter, the salary of each of the Judges of the said Counties of York, St. John and Halifax being two thousand four hundred dollars per annum from the time of appointment; and whereas the salaries of the County Court Judges in Prince Edward Island, as provided by the Act thirty-seven Victoria (1874), chapter four, section two, are to be not less than one thousand dollars and not more than two thousand dollars per annum each, as may be fixed by the Governor in Council; and whereas it is expedient to provide that the salaries of the County Court Judges in Prince Edward Island be placed on the same scale as those of the said other County Court Judges: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Salaries of County Judges in P.E.I. fixed.

And after three years' service.

1. The salaries of each of the three County Court Judges in Prince Edward Island shall be two thousand dollars per annum for the first three years of service as such Judge, and after the period of three years' service as such Judge the salary of such Judges shall be two thousand four hundred dollars per annum.

As to present Judges having three years' service or more.

2. Such of the present County Court Judges of Prince Edward Island as have already served three years or more as such Judge, shall be entitled to two thousand four hundred dollars per annum, commencing from the first day of May, A.D. 1879.

No. 110.

1st Session, 4th Parliament, 41 Victoria, 1879.

BILL

An Act respecting the salaries of the County Court Judges of Prince Edward Island.

Received and read, first time, Tuesday, 6th May, 1879.

Second reading, Tuesday, 6th May, 1879.

Mr. McDonald,
(Pictou.)

OTTAWA:

Printed by MacLean, Roger & Co.

1879.

No. 111.] **BILL.** [1879

An Act for granting an annual subsidy towards the construction and maintenance of Telegraphic Communication to and upon Anticosti and the Magdalen Islands.

TO the end that better provision may be made for the safety of life and property in vessels navigating the River and Gulf of St. Lawrence, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. A sum not exceeding fifteen thousand dollars in any one year, may be paid annually, from and after the first day of July, one thousand eight hundred and seventy-nine, out of the Consolidated Revenue Fund of Canada, as a subsidy towards the construction and maintenance of lines of submarine and land lines of electric telegraph to and upon Anticosti and the Magdalen Islands, under arrangements to be made by the Governor in Council; and the due application of such sum shall be accounted for in the manner by the law provided. $15,000 yearly granted. Account to be rendered.

No. 111.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act for granting an annual subsidy towards the construction and maintenance of Telegraphic Communication to and upon Anticosti and the Magdalen Islands.

Received and read first time, Tuesday, 6th May, 1879.

Read second time, Tuesday, 6th May, 1879.

Mr. TUPPER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

No. 112.] **BILL.** [1879.

An Act to extend "An Act respecting Certificates to Masters and Mates of ships."

Preamble.

WHEREAS it is expedient to provide for the voluntary examination of, and for the granting of certificates of competency to, persons intending to act in the capacity of "Second Mate" on board sea-going ships registered in Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act 33, c. 17 cited.

1. Subject to the provisions hereinafter made, the Act passed in the thirty-third year of Her Majesty's reign, and intituled "*An Act respecting certificates to Masters and Mates of ships*," is hereby extended and made applicable to persons intending to act in the capacity of "Second Mate," and a certificate of competency to act as second mate may be granted to every applicant duly reported by the examiner to have passed the examination satisfactorily, subject to the conditions and provisions mentioned in the fourth section of the said Act.

Examination for Second Mate.

Fee payable before examination.

2. All applicants for examination as "Second Mates" shall, before such examination, pay to such person as the Minister of Marine and Fisheries appoints for that purpose a fee of five dollars; and in the event of any applicant failing to procure his certificate of qualification on his first examination, he shall be entitled to a second examination without payment of any additional fee; but if he fails to procure his certificate of qualification on such second examination, he shall pay the same fee before any subsequent examination, which is hereby required to be paid before a first examination.

No. 112

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to extend "An Act respecting Certificates to Masters and Mates of Ships."

Received and read first time, Tuesday, 6th May, 1879.

Read second time, Tuesday, 6th May, 1879.

Mr. POPE,
(P.E.I.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1879.

An Act to provide for the Liquidation of the affairs of Building Societies in the Province of Quebec.

WHEREAS a large number of persons of limited means have invested their earnings in Building Societies in the Province of Quebec, and on account of a long period of depression such persons are exposed to lose their earnings for want of means to continue the payment of their contributions, and it is expedient to come to their relief by providing a speedy and inexpensive mode of liquidating the affairs of such Societies in the said Province; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Any Building Society in the Province of Quebec may, at any annual general meeting, or at any special general meeting, by a majority of two-thirds of the votes of the members present in person or by proxy at such meeting, each member being entitled to one vote for every share then held by him, adopt a resolution for the liquidation of the Society's affairs; provided that public notice of such meeting, and of the proposal to liquidate to be made thereat, shall have been given at least fifteen days previously in a French newspaper and in an English newspaper in the locality; and provided also that a special notice, containing the same information as the public notice, shall have been sent by post to each member of the Society at least fifteen days before such meeting; and from and after the adoption of such resolution the Society shall be deemed to be in liquidation.

2. The shareholders may, at the same meeting, by a majority of the votes given, appoint three or five Liquidators, who shall take the place of the Directors then in office, and shall be charged with the duty of liquidating the affairs of the Society; and any Director then in office may be appointed a Liquidator.

3. The Liquidators shall elect one of their number to be their President; and the majority of the Liquidators shall form a quorum of the Board of Liquidators; and every question shall be decided by the majority of the votes of the Liquidators present at the meeting of the Board at which it is put to the vote; and the President shall have a casting vote.

4. The Liquidators shall have all the powers conferred, and be subject to all the obligations towards the shareholders

imposed, by law and by the by-laws of the Society upon the Directors. Nevertheless the Society shall not transact any business except such as may be requisite for the purpose of accomplishing the liquidation; and the Liquidators shall proceed with diligence to realize all the assets of the Society without any unnecessary sacrifice; and to that end they may dispose, either by private sale or by auction, of the movable and immovable property of the Society, including the debts due to it, and they may compound and compromise with the Society's debtors, and do whatever they may deem to be advisable in order to the liquidation of the affairs of the Society on the most advantageous terms.

5. After paying the Society's debts, the Liquidators shall divide from time to time, and at such times as they shall decide themselves, by way of dividend, what they have realized from the assets. This division shall be made proportionally to the amount paid in by each shareholder; but no shareholder in arrear on the payment of his calls shall be entitled to participate in the division so long as the other shareholders shall not have been reimbursed in full for the payment of those calls which he shall have neglected to pay; and every shareholder so in arrear shall be charged with interest at the rate of six per cent. per annum on the amount of his calls due and unpaid, and such interest shall diminish in proportion to the amount which shall be reimbursed to the other shareholders in respect of the same calls.

6. In case it should be resolved to pay some of the members by means of transfers of claims or moneys due to the Society, it shall be lawful for the liquidators to divide the debts due to the Society into several parts, and to transfer a part or parts to different members; and the debtors of whose debts such transfers may be made shall suffer such division and pay to the creditors so delegated;—provided, however, that no debt shall be divided into more than four parts, and that the debtor shall not be bound to pay elsewhere than at his domicile, if he has any, where the debt was contracted; and if he has no domicile, then he shall be bound to pay at the domicile or elected domicile of the creditors in the place where the debt was contracted.

7. The principal money due under every obligation executed by any shareholder in favor of the Society, the day of payment of which is undefined, or which is appointed to be paid on the extinction of any class, shall continue to become payable according to the terms of the obligation itself, and of the by-laws of the Society; but moreover, the Liquidators may from time to time exact on account of the principal moneys of such obligations the payment of such amounts as may be necessary for the purpose of placing the shareholders on a footing of equality with

respect to the final result of the liquidation; but such amounts shall not become payable until after a month's notice to the debtors.

8. The liquidator or liquidators shall give such security and shall receive such remuneration as may be determined upon at a meeting of the shareholders, and shall be at all times bound to obey orders given to them by resolutions adopted at a regular meeting of the members, and may be dismissed at any such meeting; and on their dismissal they shall hand over all the assets of the Society, as well as all its books and papers, to their successors, or to any person appointed by such meeting, under a penalty of fifty dollars for every day of retention of any such assets, books or papers, which penalty may be recovered by any member of the Society by civil action as a debt, and shall be enforceable by imprisonment until paid

9. The shareholders in general meeting assembled may authorize the division in kind of the whole or a part of the property of the Society, and also the payment in kind of the proportional amount accruing to any shareholder in respect of his shares; they may also authorize the sale in one lot of all the assets of the Society, on such terms as they may see fit; they may also authorize the Liquidators to purchase for the benefit of the Society the rights of any shareholder, and to pay for the same either in money or in kind, that is to say, with the property of the Society.

10. The Liquidators shall not be subject to any greater responsibility than the Directors of the Society are subject to by law and by the by-laws of the Society. Their remuneration shall be fixed by the shareholders in general meeting assembled, and they shall be bound to give such security as the shareholders may require. They shall be subject to instructions from the shareholders, in so far as the same may be compatible with the laws and with the by-laws of the Society. They may be removed from office by the shareholders at any meeting, and replaced by others; and in the case of any vacancy arising among them, either by death, refusal to act, incapacity, removal from office or otherwise, such vacancy shall be filled by the shareholders at any general meeting; and until any such vacancy has been filled the Liquidators remaining in office shall continue to exercise the same powers; but it shall be their duty to call, with all convenient speed, a meeting of the shareholders for the purpose of filling the vacancy.

11. The Liquidators shall make a report of the state of the Society's affairs to the shareholders at each annual general meeting, and at such other meetings as the shareholders may determine upon for that purpose; and on the occasion of the

final liquidation the Liquidators shall make a report to a final meeting of the shareholders, called for that purpose, which report shall be subject to the approval of the meeting; and such meeting shall then have power to dissolve the Society and to surrender its charter, which shall thereupon expire and become null and void; and at such final meeting the shareholders may make such orders as they think fit with respect to the custody of the books, papers and records of the Society; provided always that if there remain debts to be paid to unknown creditors, or to creditors to whom payment cannot be made, the Liquidators shall deposit the amount in the hands of the Treasurer of the Province of Quebec, under the authority of chapter five of the Acts of the Legislature of the Province of Quebec, passed in the thirty-fifth year of Her Majesty's reign, intituled "An Act respecting Judicial and other Deposits," and of the Acts amending the said Act, and shall in so doing comply with the formalities prescribed by the said Acts; and the charter shall not be surrendered until after such deposit has been made.

12. No fine shall be incurred after the day on which liquidation is resolved upon.

13. Every shareholder shall leave his address, in writing, at the Society's office; and every special notice required by this Act shall be sent to such address; and in case any shareholder neglects to conform to the above requirement, such notices shall be addressed to him at his last known place of residence, and if there is none such, then at the place where the Society has its principal office or place of business.

14. Any fifteen Shareholders of any Building Society in the Province of Quebec shall have power to call a special general meeting of the Shareholders thereof for the purposes of this Act, by giving public notice thereof in conformity with the first section of this Act.

15. This Act shall not apply to permanent shares of any Building Society, if such shares are all paid and converted into unredeemable stock, unless three-fourths of the members present at a meeting held for the purpose of liquidating agree to liquidate.

No. 114.] **BILL.** [1879.

An Act respecting "The Consolidated Bank of Canada."

Preamble.

WHEREAS *The Consolidated Bank of Canada* has, by its petition, represented that owing to recent heavy and unexpected losses the capital of the Bank has been impaired, and it has been found necessary to suspend the payment of dividends; that it is most important in the interest of the shareholders that the payment of dividends should be resumed at as early a date as possible, and that to accomplish that end it is necessary that the capital stock of the bank should be reduced immediately, to the extent of thirty-three and one-third per cent; 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:—

Number of subscribed shares reduced.

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

Proviso as to shares not paid up.

Votes after such reduction.

2. From and after the said first day of July the votes by the shareholders of the said Bank shall be computed upon the basis of the new stock, and no transfer or other transaction of any kind or nature whatsoever shall thereafter be made or take place except in respect of the said new stock, and the Directors may thereupon close the transfer books of the Bank for a period not exceeding one week, for the purpose of re-arranging the stock books of the Bank.

Case where number of shares held for any person is not a multiple of three, provided for.

3. In every case wherein any shareholder holds such a number of existing shares as are not divisible into new shares without a remainder, and whenever such shareholder is unable to make arrangements with other shareholders by buying or selling or otherwise, as the case may be, so that he shall hold a number of shares which is so divisible without remainder; then such shareholder, together with any number of other shareholders in the same position, may surrender to the said Bank the surplus or indivisible shares held by them; and thereupon new stock therefor shall be issued to

them or any of them conjointly, in order that they may dispose of the same for their joint benefit; and if on the first day of *August* next, any such surplus or indivisible shares remain unconverted, the Bank shall have the right to issue new shares in lieu thereof in the proportion aforesaid, and cause such new shares to be sold in such manner as the Bank shall deem likely to produce the largest return therefor, and thereafter shall distribute the net proceeds of such sale among the shareholders entitled thereto, on the execution by such shareholders respectively of suitable discharges for the same.

When only the foregoing provisions shall take effect.

4. The foregoing provisions shall not take effect until this Act has been accepted by a resolution passed by a majority of votes at the now next annual general meeting of the shareholders, after due notice that such acceptance will be proposed thereat, or at a special general meeting of the shareholders called for the purpose of considering the proposed acceptance of this Act.

Liability to present creditors not affected.

5. Nothing in this Act shall be construed so as to lessen or vary the liability of the shareholders of "The Consolidated Bank of Canada" to the present creditors thereof.

No. 114.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act respecting "The Consolidated Bank of Canada."

Received and read, first time, Wednesday, 7th May, 1879.

Second reading, Wednesday, 7th May, 1879.

(PRIVATE BILL.)

Mr. TILLEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1879.

No. 115.] **BILL.** [1879.

An Act to continue in force for a limited time "The better Prevention of Crime Act, 1878."

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

1. The Act passed in the forty-first year of Her Majesty's reign, chapter seventeen, and intituled, "*An Act for the better prevention of crimes of violence in certain parts of Canada, until the end of the next Session of Parliament,*" shall continue in force until the end of the now next ensuing Session of Parliament; and any proclamation heretofore issued thereunder shall continue in force until such proclamation is revoked by proclamation in the manner provided by the said Act, or until the expiration of the said Act, whichever shall first happen. Act 41 V. c. 17 continued to end of next Session.

No. 115.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to continue in force for a limited time "The better Prevention of Crime Act, 1878."

Received and read, first time, 8th May, 1879.
Second reading, 8th May, 1879.

Read 3rd time and passed, 8th May, 1879.

Mr. MACDONALD,
(Pictou.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1879.

No. 116.] **BILL.** [1879.

An Act further to amend "The Canadian Pacific Railway Act, 1874."

Preamble.

WHEREAS it is expedient to provide for the connection of the main line of the Canadian Pacific Railway with the City of Winnipeg and the Pembina branch of the said railway: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Branch line to Winnipeg authorized.

1. A branch of the Canadian Pacific Railway shall be constructed from some point west of the Red River, on that part of the main line running south of Lake Manitoba, to the City of Winnipeg, there to connect with the branch line from Fort Garry to Pembina; and all the provisions of "*The Canadian Pacific Railway Act*, 1874," with respect to branches of the said railway, not inconsistent with this Act, shall apply to the branch to be constructed under this Act.

37 V., c. 14, to apply.

Expenditure of $1,000,000 authorized.

2. A sum not exceeding one million of dollars, may be expended on that part of the main line west of the Red River, and the branch hereby authorized, without the previous submission of the contracts under which such expenditure is made to Parliament, if the Governor in Council deem such expenditure expedient.

How to be paid and accounted for.

3. The sums of money, of which the expenditure is hereby authorized shall be paid out of the sum appropriated for the purpose in the present Session, and accounted for under the provisions of the twenty-second section of the Act hereby amended.

No. 116.

1st Session, 4th Parliament, 42 Victoria, 1879

BILL.

An Act to amend "The Canadian Pacific Railway Act, 1874,"

Read, first, second and third time, and passed Monday, 12th May, 1879.

Mr. TILLEY.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1879.

No. 117.] **BILL** [1879.

An Act to amend the Act of the present Session, intituled "An Act to provide for the inspection, safe-keeping and storage of Petroleum, and the products thereof."

WHEREAS, in the Act of the present Session cited in the title of this Act, the word "less" was erroneously inserted instead of the word "more," in limiting the lawful specific gravity of petroleum; Therefore, in correction of the said error, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The word "more" is hereby substituted for the word "less" in that provision of the fourth section of the said Act which limits the lawful specific gravity of petroleum; and the said provision shall be read and construed as follows:— Section 4 amended.

"All petroleum, whether manufactured in Canada or imported, shall be of a specific gravity equal to not more than eight hundred and seven thousandths (·807) of the weight of an equal measure of distilled water when both are at a temperature of sixty-two degrees by Fahrenheit's thermometer; which specific gravity is indicated by forty-five degrees on Beaumé's Hydrometer." Specific gravity of petroleum limited.

And shall have effect accordingly.

No. 117.

1st Session, 4th Parliament, 42 Victoria, 1879.

BILL.

An Act to amend the Act of the present Session, intituled "An Act to provide for the inspection, safe-keeping and storage of Petroleum, and the products thereof."

Read, first, second and third time, and passed, Monday, 12th May, 1879.

Mr. BABY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1879.

118

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, 1879, and the 30th June, 1880, and for other purposes relating to the public service.

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency the Right Honorable Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, 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-nine, and the thirtieth day of June, one thousand eight hundred and eighty, 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 paid and applied a sum not exceeding in the whole one million three thousand three hundred and seventy dollars and twenty-four cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-eight to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-nine, not otherwise provided for, and set forth in Schedule A to this Act, and also for 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-three million six hundred and twelve thousand four hundred and fifty-five dollars and thirty-one 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-nine, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty, not otherwise provided for, and set forth in 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.

4. And whereas there remained on the thirty-first day of December last unborrowed and negotiable of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each respectively, viz:—

	$ cts.	$ cts.
For Intercolonial Railway		2,433,333 33
For opening communication and administration of the Government in the North-West Territories		1,460,000 00
For improvement of the River St. Lawrence		1,500,000 00
For improvement of Quebec Harbour		1,200,000 00
For the Pacific Railway and Canadian Canals		7,300,000 00
For general purposes, balance, 30th June, 1878	9,802,485 46	
Redeemed to 31st Dec., 1878	7,634,716 23	
	17,437,201 69	
Issued Dominion Loan of 1878	14,600,000 00	
		2,837,201 69
		$16,730,535 02

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled: "*An Act respecting the Public Debt, and the raising of Loans authorized by Parliament*," as amended by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled: "*An Act to amend the Act respecting the Public Debt and the raising of Loans authorized by Parliament*;" and the sums so raised shall form part of the Consolidated Revenue Fund of Canada out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

SCHEDULE A.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1879, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
CHARGES OF MANAGEMENT.		
To meet the possible amount required to complete the expenditure in full of the Seigniorial Tenure Commission		1,500 00
CIVIL GOVERNMENT.		
Governor General's Office—Increased allowance to Secretary from 1st April $200 00		
Increased allowances to Aides-de-camp from 1st April... 400 00		
	600 00	
Department of Justice—To secure organization of Staff as shewn in details of Estimates for 1879-80, to take effect from 1st January, 1879	550 00	
Post Office Department—Increased allowance to Secretary	300 00	
Departmental Contingencies—Additional amount required by Department of Interior	2,000 00	
		3,450 00
POLICE.		
To provide for expenditure caused by increase of Staff during the year		250 00
PENITENTIARIES.		
Manitoba—Further sum required for this service	1,500 00	
British Columbia—Further sum required for this service	2,400 00	
		3,900 00
LEGISLATION.		
To meet expenditure for Witnesses and Shorthand Reporters, Session of 1878	1,000 00	
To meet further expenditure in full on account of publication of debates of 1878	5,364 28	
To meet the cost of printing and preparing Catalogue of the Library of Parliament	5,300 00	
To pay a gratuity to E. U. Piché, Esq., late Clerk Assistant of the House of Commons, on his retirement	1,000 00	
		12,664 28
ARTS, AGRICULTURE AND STATISTICS.		
To meet the amount required to complete expenditure on account of the Paris Exhibition	25,000 00	
To meet further amount required in connection with the preparation of Criminal Statistics	1,000 00	
		26,000 00
Carried forward		47,764 28

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		47,764 28
IMMIGRATION AND QUARANTINE.		
To replace fittings at Grosse Isle Hospital destroyed by fire		1,000 00
PENSIONS.		
To meet expenditure required for Veterans of 1812-15		2,000 00
MILITIA.		
Ordinary.		
Military Branch and District Staff—To provide for pay of one Assistant Inspector of Artillery for the Maritime Provinces, from 17th September, 1878, to 30th June, 1879 946 66		
To provide for gratuities to retiring officers consequent upon the amalgamation of the offices of Paymaster and Store-keeper in various districts 2,400 00		
	3,346 66	
Drill Pay—Amount required to pay the cost of the drill of the Ottawa Troop of Cavalry	814 50	
Guard at Rideau Hall—Pay and maintenance	2,500 00	
Extraordinary.		
To pay expenditure incurred in connection with precautionary measures for defensive purposes	3,000 00	
To pay expenditure incurred through the calling out of the Militia in aid of the civil power at Montreal and Quebec in 1878. 13,000 00		
do do Cape Breton in 1876 622 81		
	13,622 81	
		23,283 97
PUBLIC WORKS AND BUILDINGS		
(Chargeable to Capital.)		
RAILWAYS.		
Pacific Railway—To pay Mr. Wallace as compensation for his loss of time whilst employed in this service	1,750 00	
Intercolonial Railway—Amount required for completion.. 20,000 00		
Amount required on account of extension into Halifax 5,000 00		
Amount required to pay for construction of Engine House at Ste. Flavie 5,721 02		
Amount of award in favour of Messrs. Boggs & Murray for work under Contract Section 19, and expenses in connection therewith in accordance with judgment of the Exchequer Court 101,753 00		
	132,474 02	
Carried forward	134,224 02	74,048 25

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		134,224 02	74,048 25
PUBLIC WORKS AND BUILDINGS—*Continued.*			
(*Chargeable to Capital.*)			
CANALS.			
Culbute Canal—Amount required		9,000 00	
Grenville Canal—Amount required to pay legal representatives of Lemuel Cushing for land damages		480 06	
Rideau Canal—Balance of appropriation for 1877-78, unexpended on 30th September, 1878, and carried forward by special warrant		3,754 00	
PUBLIC BUILDINGS, OTTAWA.			
Eastern Block—Amount required for construction of attics	8,000 00		
Western Block—Amount required to complete payments for extension	10,000 00		
		18,000 00	
			165,458 08
PUBLIC WORKS AND BUILDINGS			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS.			
Ontario.			
Custom House, Toronto—Balance due Architect	1,529 00		
Kingston Military College, to complete	20,000 00		
Ottawa Drill Shed, amount required	2,000 00		
Quebec.			
Montreal Examining Warehouse, to complete	10,000 00		
New Brunswick.			
Chatham Post Office, alterations and fittings	790 00		
		34,319 00	
PENITENTIARIES.			
Dorchester, N.B., Penitentiary—Balance of appropriation for 1877-78 remaining unexpended on 30th September, 1878, and carried forward by special warrant		21,505 45	
RENTS, REPAIRS, ETC.			
Rents, repairs, furniture, heating, &c.	45,000 00		
Lamps for road to Rideau Hall	180 00		
Seven months' Lighting and Gas, road to Rideau Hall	116 66		
		45,296 66	
Carried forward		101,121 11	239,506 33

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		101,121 11	239,506 33
PUBLIC WORKS AND BUILDINGS—*Concluded.*			
(*Chargeable to Income.*)			
HARBOURS AND BREAKWATERS.			
Ontario.			
Bayfield Harbour—Amount awarded to J. S. McEwen by official arbitrators, in settlement of his claim for extras	4,950 00		
Nova Scotia.			
Oak Point Breakwater—To refund J.E. Woodworth certain moneys expended by him in connection with this service	530 00		
		5,480 00	
IMPROVEMENT OF NAVIGABLE RIVERS.			
Removal of rock, Victoria Harbour, Fraser River, B.C.—Balance of appropriation for 1877-78 remaining unexpended on 30th September, 1878, and carried forward by special warrant	5,320 00		
Oromocto Shoals, River St. John	5,000 00		
		10,320 00	
RED RIVER ROAD.			
Amount required to pay arrears of wages to L. D. Audy		230 00	
ARBITRATIONS AND AWARDS.			
To pay gratuity of one year's salary to Chas. Taylor on his retirement from the position of Official Arbitrator		1,000 00	
SLIDES AND BOOMS.			
To pay for professional services in the case Chevrier *vs.* Regina, Gatineau River Booms		400 00	
			118,551 11
OCEAN AND RIVER SERVICE.			
Mail Subsidies.			
To provide for mail subsidy between Halifax and Cork, if necessary (Re-vote)		19,770 84	
To provide for payment for services rendered by Steam Navigation Company of Prince Edward Island in conveyance of mails between Summerside and Shediac during the season of navigation, 1869		1,000 00	
To provide for further expenditure for investigations into Wrecks and Casualties	$1,266 00		
To provide for professional services incurred in the suit of the Queen *vs.* David	510 27		
		1,776 27	
			22,547 11
Carried forward			380,604 55

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		380,604 55
LIGHTHOUSE AND COAST SERVICE.		
To remunerate Donald McNeill for loss and expenses in connection with his removal from St. Paul's Island in 1874		200 00
FISHERIES.		
To provide for salaries and disbursements of additional Fishery Overseers and Wardens in the Province of Quebec	1,000 00	
To further provide for the maintenance of the several Fish-breeding Establishments in the Dominion	4,000 00	
		5,000 00
STEAMBOAT INSPECTION.		
To further provide for expenditure on account of measurement of Steamers, &c.		333 46
INDIANS.		
Indians of Quebec.		
To provide grant for relief for unforeseen cases of distress amongst the Indians of the Lower St. Lawrence	2,000 00	
Indians of the North-West.		
To provide for payment of further Annuitants under Treaty No. 4	7,265 00	
do do Treaty No. 6	17,945 00	
do do Treaty No. 7	3,601 00	
To provide for further expenditure for agricultural implements, cattle, &c., under Treaties Nos. 4, 6 and 7, owing to a large number of Indians being desirous to commence the cultivation of the soil	20,000 00	
To provide for further expenditure incurred for purchase of provisions in consequence of threatened famine amongst the Indians	10,000 00	
To provide for further expenditure in connection with the general expenditure for the North-West Superintendency, being for salaries of Instructors of Farming for 1878-79	2,000 00	
		62,811 00
NORTH-WEST MOUNTED POLICE.		
Pay, supplies and miscellaneous stores to complete the service for the year	32,000 00	
Improved arms and ammunition to complete the service for the year	3,000 00	
Mail service between Fort Benton, Montana, and Forts Walsh, Macleod, Calgary and Saskatchewan	6,000 00	
		41,000 00
Carried forward		489,949 01

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward.....	.....	489,949 01
MISCELLANEOUS.		
To pay to Hon. T. W. Anglin, salary attached to office of Speaker of House of Commons, from 1st Oct., 1878, to 12th Feb., 1879.....	1,476 19	
Miscellaneous Printing—Further amount required for this service.....	3,000 00	
To pay for 350 copies of the Parliamentary Companion.....	700 00	
To pay T. D. Harington, Esq., late Deputy Receiver-General, gratuity on his retirement, after 47 years' service, through the abolition of his office.....	800 00	
To pay for proportionate cost of testimonial to be presented to His Excellency M. Delfosse, for services on the Halifax Fishery Commission (remainder to be paid by United States and Newfoundland)...	2,389 05	
To pay for expenses incurred in connection with the arrival at Halifax of His Excellency the Governor-General and Her Royal Highness Princess Louise, and train hire between Halifax and Ottawa.....	7,000 00	
To pay expenditure incurred on account of Special Trade Mission to France and Spain.....	11,000 00	
To pay F. X. Prieur, late Director of Penitentiaries, expenses incurred by him on his removal from St. Vincent de Paul to Ottawa.....	500 00	
To pay Sheriff of Montreal for services as Commissioner in issuing and refusing licenses to carry arms under Better Prevention of Crimes Act.....	100 00	
		26,965 24
COLLECTION OF REVENUES.		
CUSTOMS.		
For the following amounts required to complete this service, viz. :—		
Ontario.....	7,430 00	
Quebec.....	6,690 00	
New Brunswick.....	1,290 00	
Nova Scotia.....	1,150 00	
Prince Edward Island.....	180 00	
Manitoba and North-West Territories.....	1,000 00	
	17,740 00	
EXCISE.		
Preventive Service, amount required to complete.....	800 00	
PUBLIC WORKS.		
Canals—Welland Canal, rebuilding weir, Port Dalhousie..	16,000 00	
Railways—Intercolonial Railway, amount required to complete working expenses for the year.....	200,000 00	
Prince Edward Island Railway, amount required to complete working expenses for the year.....	20,000 00	
Slides and Booms—Saguenay District—For repairs to Slides made in year 1876-77.....	3,596 37	
Ottawa District—To pay for rent of service ground in connection with Springtown Boom, Madawaska River, from 5th December, 1873, to 2nd July, 1878...	457 12	
	240,053 49	
Carried forward.....	258,593 49	516,914 25

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		258,593 49	516,914 25
COLLECTION OF REVENUES—*Concluded.*			
POST OFFICE.			
To pay Grand Trunk Railway for daily transport of mails, over 149 miles of railway, between the Canada Boundary Line and Danville Junction (Maine), from 1st July, 1867, to 31st December, 1874, when, by postal convention with the United States, the conveyance of these mails was assumed by the United States Post Office	7,776 22		
To pay Mr. Joseph C. Croskill for certain printed forms which were in his hands at the time (Nov. 22nd, 1873,) when the printing for the Post Office in Nova Scotia was withdrawn from him	1,067 35		
To pay Mr. F. J. Barnard, contractor for the Barkerville and Yale Mail Service, British Columbia, the difference between the contract rate and the rate actually paid to him from 1st April, 1877	11,250 00		
		20,093 57	
			278,687 06
UNPROVIDED ITEMS, 1877-78.			
Vide Public Accounts, 1877-78, part ii, page 318			207,768 93
Total			1,003,370 24

SCHEDULE B.

SUMS granted to Her Majesty, by this Act, for the Financial Year ending 30th June, 1880, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
CHARGES OF MANAGEMENT.		
Financial Inspector	2,600 00	
Office of Assistant Receiver-General, Toronto	7,600 00	
do do Montreal	5,500 00	
Auditor and do Halifax	10,000 00	
do do St. John, N.B	11,400 00	
do do Winnipeg	5,000 00	
do do Victoria, B.C	7,000 00	
do do Charlottetown, P.E.I	4,000 00	
Country Savings Banks: New Brunswick, Nova Scotia and British Columbia	12,500 00	
		65,600 00
CIVIL GOVERNMENT.		
Governor General's Secretary's Office	10,800 00	
Office of the Queen's Privy Council for Canada	15,730 00	
Department of Justice	12,800 00	
do Penitentiaries Branch	3,950 00	
Department of Militia	37,380 00	
do Secretary of State	32,550 00	
do Interior	55,210 00	
Office of the Auditor-General	16,850 00	
Department of Finance	49,930 00	
Office of the Treasury Board	2,650 00	
Department of Inland Revenue	28,105 00	
do Customs	29,700 00	
do Postmaster-General	89,700 00	
do Agriculture	31,150 00	
do Marine and Fisheries	27,530 00	
do Public Works	53,830 00	
Departmental Contingencies	136,750 00	
Stationery Office for stationery	13,000 00	
To meet the possible amount required for new appointments by an extension of the Staff or any other change	10,000 00	
		657,615 00
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice, including North-West Territories	15,000 00	
Travelling expenses of Stipendiary Magistrates in North-West Territories	4,500 00	
Circuit Allowances, British Columbia	10,000 00	
do Manitoba	1,500 00	
Precis Writer of the Supreme Court of Canada and the Exchequer Court	1,900 00	
Clerk in the office of the Registrar of the Supreme Court of Canada and the Exchequer Court	525 00	
Senior Messenger of the Supreme Court of Canada and the Exchequer Court	500 00	
Second Messenger of the Supreme Court of Canada and the Exchequer Court	360 00	
Carried forward	34,285 00	723,215 00

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	34,285 00	723,215 00
ADMINISTRATION OF JUSTICE—*Concluded.*		
Contingencies and disbursements, including printing, binding and distributing Reports, Judges' travelling expenses; also, salaries of Officers (Sheriff, Usher, &c,) in the Supreme and Exchequer Courts of Canada, and $150 for books for Judges	5,000 00	
Sundry Disbursements connected with the Maritime Court of Ontario, Seals for Court, Judges' travelling expenses, Court Books, &c	500 00	
Salary of Registrar of Vice-Admiralty Court, Quebec	666 66	
do Marshal of Vice-Admiralty Court, Quebec	333 34	
		40,785 00
POLICE.		
Dominion Police		12,000 00
PENITENTIARIES.		
Kingston	130,917 58	
St. Vincent	71,944 92	
St. John (balance to be applied to Dorchester Penitentiary when that penitentiary is opened)	27,708 56	
Halifax (balance to be applied to Dorchester Penitentiary when that penitentiary is opened)	19,806 50	
Manitoba	17,385 20	
British Columbia	16,145 55	
		283,908 31
LEGISLATION.		
SENATE.		
Salaries and contingent expenses of the Senate	51,518 00	
To meet expenditure in connection with Senate Hansard	3,000 00	
HOUSE OF COMMONS.		
Salaries, per Clerk's estimate	58,350 00	
Expenses of Committees, extra Sessional Clerks, &c	10,300 00	
Contingencies	19,600 00	
Publishing Debates	15,000 00	
Salaries and contingencies, per Sergeant-at-Arms' estimates	28,050 00	
MISCELLANEOUS.		
Grant to Parliamentary Library, including $3,000 for law books	7,000 00	
Salaries of officers (additional) and contingencies of Library	5,000 00	
Printing, binding and distributing the laws	12,000 00	
Printing, printing paper and bookbinding	70,000 00	
Contingencies of the Clerk of the Crown in Chancery	1,200 00	
Miscellaneous printing	2,000 00	
		283,018 00
Carried forward		1,342,926 31

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			1,342,926 31
ARTS, AGRICULTURE AND STATISTICS.			
To meet expenses in connection with the care of public archives		3,000 00	
To meet expenses in connection with the patent record		7,200 00	
To meet expenses in connection with preparation of criminal statistics		5,000 00	
To meet expenses in connection with the census		5,000 00	
To provide a grant to assist in giving to the forthcoming Ontario Exhibition (to be held at Ottawa) a Dominion character; the distribution of the grant, or any part thereof, to be applied and apportioned in such way as to satisfy the Minister of Agriculture		5,000 00	
			25,200 00
IMMIGRATION AND QUARANTINE.			
Salaries of Immigration Agents and employés		22,950 00	
Salaries of Travelling Agents		5,200 00	
Medical inspection, Port of Quebec		1,300 00	
Quarantine—Grosse Isle		9,566 00	
St. John, N.B		2,400 00	
Pictou, N.S		800 00	
Halifax, N.S		3,200 00	
Charlottetown, P.E.I		1,000 00	
To meet expenses of further precautionary measures for the public health, viz.:—			
Public health	5,000 00		
Cattle quarantine	10,000 00		
		15,000 00	
Contingencies of Canadian and other regular agencies		24,000 00	
Travelling expenses of Travelling Agents		7,000 00	
Towards assisting immigration and immigration expenses, including estimated expenses of transport of Mennonites		86,200 00	
			178,616 00
PENSIONS.			
John Bright, Messenger, House of Assembly		80 00	
Mrs. Antrobus		800 00	
NEW MILITIA PENSIONS.			
Mrs. Caroline McEachern and four children	238 00		
Janet Anderson	110 00		
Margaret Mackenzie	80 00		
Mary Ann Richey and one child	288 00		
Mary Morrison	80 00		
Louise Prud'homme	110 00		
Virginie Charron and four children	150 00		
Paul M. Robins	146 00		
Charles T. Bell	73 00		
Alex. Oliphant	109 50		
Charles Ligsden	91 25		
Thomas Charters	91 25		
Charles T. Robertson	110 00		
Percy G. Routh	400 00		
Richard S King	400 00		
George A. Mackenzie	73 00		
Carried forward	2,550 00	880 00	1,546,742 31

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward.....	2,550 00	880 00	1,546,742 31
PENSIONS—*Concluded.*			
NEW MILITIA PENSIONS—*Concluded.*			
Edwin Hilder.....	146 00		
Fergus Scholfield.....	73 00		
John Bradley.....	109 50		
James Bryan.....	109 50		
Ensign W. Fahey.....	200 00		
Mary Connors.....	110 00		
Mary Hodgins and three children..	191 00		
John Martin.....	110 00		
A. W. Stephenson.....	110 00		
Mrs. J. Thorburn.....	150 00		
Mrs. P. T. Worthington and three children.....	378 00		
Mrs. J. H. Elliott and children.....	130 00		
Ellen Kirkpatrick and three children.....	266 00		
Mrs. George Prentice and children.....	352 00		
Mary Hannah Tempest and child.....	298 00		
		5,283 00	
To meet the probable amount required for pensions to veterans of War of 1812.....		35,000 00	
Compensation to pensioners in lieu of land.....		7,000 00	
			48,163 00
MILITIA.			
ORDINARY.			
Salaries of Military Branch and District Staff.....		23,800 00	
Salaries of Brigade Majors.....		17,400 00	
Allowance for drill instruction.....	40,000 00		
Ammunition.....	25,000 00		
Clothing.....	50,000 00		
		115,000,00	
Military Stores.....		40,000 00	
Public armouries and care of arms, including storekeepers and caretakers, storemen, and the rents, fuel and light of public armouries		52,000 00	
Drill pay and all other incidental expenses connected with the drill and training of the Militia.....		175,000 00	
Contingencies and general service, not otherwise provided for, including assistance to Artillery and Rifle Associations and Bands of efficient corps.....		46,000 00	
Drill sheds and rifle ranges.....		10,000 00	
EXTRAORDINARY.			
Care and maintenance of military properties transferred from the Ordnance and Imperial Government, including rents.....		8,000 00	
Royal Military College.....		59,000 00	
Military schools and drill instruction in colleges.....		14,000 00	
Pay, maintenance and equipment of "A" and "B" Batteries, Garrison Artillery and Schools of Gunnery, at Kingston and Quebec.....		115,000 00	
Pay and maintenance of Guard at Rideau Hall.....		5,000 00	
SPECIAL.			
Ordnance and improved fire-arms.....		20,000 00	
			709,200 00
Carried forward.....			2,295,105 31

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			2,295,105 31
PUBLIC WORKS AND BUILDINGS			
(*Chargeable to Capital.*)			
RAILWAYS.			
Intercolonial, to Deep Water at St. John	100,000 00		
do Nut Locks	40,000 00		
do Estimated amount required for the purchase from the Grand Trunk Railway Company of their line of railway from River-du-Loup to Hadlow, except iron rails thereon, and for running powers between the Chaudière Junction and Point Lévis	1,500,000 00		
do Repairing and relaying above portion of railway with steel rails	375,000 00		
		2,015,000 00	
Pacific:—Canada Central Extension (subsidized)	1,000,000 00		
do Georgian Bay Branch (as under contract)	800,000 00		
do Fort William to English River	110,000 00		
do English River to Eagle River	800,000 00		
do do to Keewatin (Rat Portage)	1,100,000 00		
do Keewatin (Rat Portage) to Selkirk (Red River)	1,000,000 00		
do Engine House at Selkirk	30,000 00		
do Pembina Branch	150,000 00		
do Station Houses and Water Supply	80,000 00		
do British Columbia	600,000 00		
do Telegraph Lines and Roadway	140,000 00		
do Surveys	100,000 00		
do West of Red River, including Bridge and Branch to Winnipeg	1,000,000 00		
		6,910,000 00	
CANALS.			
Lachine		1,150,000 00	
Cornwall		140,000 00	
St. Lawrence		80,000 00	
Welland		2,000,000 00	
St. Anne's Lock and Canal		50,000 00	
Carillon Lock and Canal		300,000 00	
Grenville		200,000 00	
Culbute (improving approach to Canal)		12,000 00	
St. Peter's		90,000 00	
Miscellaneous		10,000 00	
PUBLIC BUILDINGS, OTTAWA.			
Grounds	3,000 00		
Extension of Western Block	5,000 00		
		8,000 00	
Total, chargeable to capital			12,965,000 00
PUBLIC WORKS AND BUILDINGS			
(*Chargeable to Income.*)			
IMPROVEMENT OF NAVIGABLE RIVERS.			
Improvement of Navigable Rivers	10,000 00		
St. Lawrence, removal of chains and anchors	12,000 00		
Neebish Rapids, River St. Mary, Lake Huron	9,000 00		
Removing Rock, Victoria, B.C	8,000 00		
Carried forward	39,000 00		15,260,105 31

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	39,000 00	.....	15,260,105 31
PUBLIC WORKS AND BUILDINGS—*Continued.*			
(*Chargeable to Income.*)			
IMPROVEMENT OF NAVIGABLE RIVERS—*Concluded.*			
Upper Fraser River, B.C.—Removal of rocks in Cottonwood Canyon	10,000 00		
Assiniboine River, between Winnipeg and Portage la Prairie—Removal of obstructions and construction of Dams	2,500 00		
		51,500 00	
PUBLIC BUILDINGS.			
Ontario.			
Ottawa Drill Shed	15,000 00		
Hamilton Post Office	1,500 00		
Windsor Post Office and Custom House	18,000 00		
Brantford public offices	12,000 00		
Kingston Military College and Fortifications	2,000 00		
Windsor Post Office and Custom House	4,000 00		
Quebec.			
Quebec and Lévis fortifications, including Dufferin improvements	40,000 00		
Durham Terrace Extension	15,000 00		
St. John's Post Office and Custom House	9,000 00		
New Brunswick.			
Custom House, St. John	100,000 00		
Savings Bank do	14,000 00		
Post Office do	89,500 00		
Fredericton Post Office	16,000 00		
Nova Scotia.			
Marine Hospital, Lunenburg	4,000 00		
Sydney, C.B., Quarantine Hospital	2,000 00		
North-West Territories.			
Public Buildings	10,000 00		
British Columbia.			
Public Buildings, repairs	5,000 00		
Custom House and Storehouse Wharf, Victoria	5,000 00		
Public Buildings generally	10,000 00		
		372,500 00	
Carried forward		424,000 00	15,260,105 31

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		424,000 00	15,260,105 31
PUBLIC WORKS AND BUILDINGS—*Continued.*			
(*Chargeable to Income.*)			
PENITENTIARIES.			
General Penitentiary for the Maritime Provinces	16,060 00		
St. Vincent de Paul	4,000 00		
Manitoba (drains, etc.)	3,000 00		
Kingston Penitentiary	3,000 00		
Manitoba and British Columbia—Heating	4,000 00		
Kingston, St. Vincent de Paul, Dorchester, Manitoba and British Columbia—For purchase of Babcock Fire Extinguishers	880 00		
		30,880 00	
RENTS, REPAIRS, &C.			
Rents, repairs, furniture, heating, &c	175,000 00		
Heating Public Buildings	40,000 00		
Removal of snow, Public Buildings, Ottawa	1,800 00		
Gas, Public Buildings, Ottawa	18,000 00		
Allowance for fuel and light, Rideau Hall	5,000 00		
		239,800 00	
HARBOURS AND BREAKWATERS.			
Ontario.			
Kincardine	5,000 00		
Toronto	10,000 00		
Collingwood Harbour	6,500 00		
Quebec.			
Lower St. Lawrence, repairing various breakwaters	10,000 00		
New Brunswick.			
St. John Harbour	5,000 00		
Point du Chêne—Shediac	4,000 00		
Nova Scotia.			
Annapolis River, Annapolis Co.	1,500 00		
Ragged Pond, Guysboro' Co.	2,000 00		
Digby Co. (repairs)	2,000 00		
Trout Cove, Digby Co. (repairs)	1,000 00		
Cow Bay, Cape Breton	5,000 00		
West Arichat	4,000 00		
Lingan Harbour	2,000 00		
Carried forward	58,000 00	694,680 00	15,260,105 31

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	58,000 00	694,680 00	15,260,105 31
PUBLIC WORKS AND BUILDINGS—*Concluded.*			
(*Chargeable to Income.*)			
HARBOURS AND BREAKWATERS—*Concluded.*			
Prince Edward Island.			
Colville Bay, Souris	5,000 00		
New London	1,500 00		
Colville Bay	5,000 00		
General repairs, Maritime Provinces	10,000 00		
		79,500 00	
SLIDES AND BOOMS.			
Slides and Booms		15,600 00	
DREDGING.			
Dredge vessels	10,000 00		
Dredging	98,000 00		
		108,000 00	
MISCELLANEOUS.			
Miscellaneous works, not otherwise provided for	10,000 00		
Surveys and inspection	30,000 00		
Arbitration and awards	10,000 00		
Land and cable telegraph lines for the sea coasts and islands of the Lower River and Gulf of St. Lawrence and the Maritime Provinces, viz. :—			
Annual subsidy for cables to Anticosti and Magdalen Islands and land lines on the same (to be provided by Statute)	15 000 00		
For several land lines in the Maritime Provinces to join the lighthouses on prominent points to the telegraph system of Canada. Subsidy once for all	20,000 00		
		85,000 00	
Total, Chargeable to Income			982,780 00
OCEAN AND RIVER SERVICE.			
DOMINION STEAMERS.			
Maintenance and repairs of steamers "Napoleon III," "Newfield," "Druid," "Glendon," "Sir James Douglas" and "Northern Light"		125,000 00	
MAIL SUBSIDIES.			
Steam communication between Halifax and St. John *viâ* Yarmouth	10,000 00		
Steam communication on Lakes Huron and Superior	12,500 00		
Steam service between San Francisco and Victoria, British Columbia	54,000 00		
Steam communication with the Magdalen Islands	4,200 00		
Steam communication between Grand Manan Island, N.B., and mainland	1,500 00		
Carried forward	82,200 00	125,000 00	16,242,885 31

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	82,200 00	125,000 00	16,242,885 31
OCEAN AND RIVER SERVICE—*Concluded.*			
MAIL SUBSIDIES—*Concluded.*			
Subsidy to steamer between Campbellton, N.B., and Gaspé and intermediate ports	10,000 00		
To provide for nine months' subsidy to be granted, at the rate of $50,000 per annum, to line of steamers to trade between Canada and West Indies and Brazil (provided a like amount is paid by the Brazilian Government)	37,500 00		
To provide for subsidy for steam communication between Halifax and Cork	10,000 00		
For steam communication between Halifax, Cape Breton and Prince Edward Island	4,000 00		
For steam communication between Nova Scotia and St. Pierre	4,000 00		
		147,700 00	
To provide for the examination of Masters and Mates		4,250 00	
For purchase of life-boats, life-preservers and rewards for saving life		3,000 00	
To provide for investigations into wrecks and casualties, and collection of information relating to disasters to shipping		1,000 00	
Expenses in connection with Canadian registration of shipping		500 00	
Montreal Water Police		13,090 00	
River Police, Quebec		22,000 00	
Removal of obstructions in navigable rivers		500 00	
			317,040 00
LIGHTHOUSE AND COAST SERVICE.			
Salaries and allowances of lighthouse keepers		154,938 00	
Maintenance and repairs		272,505 00	
Completion and construction of lighthouses and fog alarms		40,000 00	
			467,443 00
FISHERIES.			
Salaries and disbursements of Fishery Overseers and Wardens :—			
Ontario	12,000 00		
Quebec	12,000 00		
Nova Scotia	15,000 00		
New Brunswick	10,500 00		
Prince Edward Island	3,000 00		
Manitoba	200 00		
British Columbia	1,000 00		
		53,700 00	
Fish-breeding, fish-ways and oyster beds		16,000 00	
Amount required to provide for building new fish-breeding establishments at Prince Edward Island and Cape Breton		5,000 00	
do do Quebec and New Brunswick		5,000 00	
do do for maintenance of same		3,000 00	
			82,700 00
Carried forward			17,110,068 31

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		17,110,068 31
SCIENTIFIC INSTITUTIONS.		
OBSERVATORIES.		
Observatory, Quebec	2,400 00	
do Toronto	4,800 00	
do Kingston	500 00	
do Montreal	500 00	
do New Brunswick	1,200 00	
Grant for Meteorological Observatories, including instruments and cost of telegraphing weather-warnings	37,000 00	
		46,400 00
MARINE HOSPITALS FOR SICK AND DISTRESSED SEAMEN.		
MARINE HOSPITALS.		
Marine and Immigrant Hospital, Quebec	20,000 00	
Montreal General Hospital and other ports in Quebec	4,000 00	
	24,000 00	
St. Catharines Hospital, Ontario	500 00	
Kingston do do	500 00	
	1,000 00	
Halifax General Hospital	3,500 00	
Other ports in Nova Scotia	11,250 00	
	14,750 00	
Hospital of St. John	4,000 00	
Other ports in New Brunswick	7,750 00	
	11,750 00	
Ports in British Columbia	4,000 00	
do Prince Edward Island	3,000 00	
EXPENSES OF SHIPWRECKED AND DISABLED SEAMEN.		
Province of Quebec	1,500 00	
do Nova Scotia	4,000 00	
do New Brunswick	1,000 00	
do British Columbia	500 00	
do Prince Edward Island	500 00	
To reimburse Board of Trade, London, for expenses incurred in connection with shipwrecked and distressed seamen of the Dominion	3,000 00	
		69,000 00
STEAMBOAT INSPECTION		
SALARIES, &C.		
Chairman	1,800 00	
Deputy Chairman	1,400 00	
Inspector, Toronto District	1,200 00	
do Montreal District	1,200 00	
do Three Rivers District	1,000 00	
do Quebec District	1,000 00	
do East Ontario District	1,000 00	
do British Columbia District	750 00	
do Manitoba District	100 00	
Carried forward	9,450 00	17,225,468 31

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	9,450 00	17,225,468 31
STEAMBOAT INSPECTION—*Concluded.*		
SALARIES, &c.—*Concluded.*		
Travelling expenses of Chairman, and expenses in connection with steamboat inspection	900 00	
Travelling and incidental expenses of Inspector of New Brunswick and Nova Scotia	825 00	
Travelling expenses of Inspector of Toronto District, and contingencies of office	430 00	
Travelling expenses of Inspector, Three Rivers	125 00	
do do Quebec	150 00	
do do East Ontario	260 00	
do do Montreal	200 00	
do do Manitoba	100 00	
Rent of office, Montreal	250 00	
For purchase of instruments and steam gauges	200 00	
To provide travelling expenses, office rent, &c., of Inspector, British Columbia	500 00	
Engraving and printing Engineers' Certificates, and printing Steamboat Inspection Act in French	300 00	
		13,690 00
INSPECTION OF INSURANCE COMPANIES.		
To meet expenses in connection with the inspection of insurance companies		6,000 00
GEOLOGICAL SURVEY.		
Geological survey		50,000 00
INDIANS.		
Ontario and Quebec.		
Annual grant for Indians of Quebec	4,200 00	
Annual grant for purchase of blankets for aged and infirm Indians of Ontario and Quebec	1,600 00	
Annual grant for Indian schools in Ontario and Quebec, where most required	5,000 00	
Annual grant to bring up annuities payable under the *Robinson* Treaty to the Chippewas of Lakes Huron and Superior, from 96 cents to $4 per head	14,000 00	
To provide for grant for relief of Indians, Lake St. John	1,000 00	
To provide for grant for additional aid to Indian schools, Ontario, where most required	1,200 00	
Nova Scotia.		
Indians of Nova Scotia, relief, &c	4,500 00	
New Brunswick.		
Indians of New Brunswick, relief, &c	4,500 00	
Carried forward	36,000 00	17,295,158 31

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	36,000 00	17,295,158 31
INDIANS—*Concluded.*		
Prince Edward Island.		
Indians of Prince Edward Island, relief, &c	2,000 00	
Indians of British Columbia.		
Victoria Superintendency	13,363 00	
Fraser do	13,425 00	
Surveys and Reserve Commission	24,140 00	
	50,928 00	
Indians of Manitoba and the North-West.		
Annuities, Treaties 1 and 2	25,820 00	
do Treaty 3	15,025 00	
do do 4	38,125 00	
do do 5	15,775 00	
do do 6	50,170 00	
do do 7	41,625 00	
Commutation of annuities to possible claimants	1,000 00	
Agricultural implements, cattle, seed-grain, tools, waggons, ammunition, freighting, etc., furnished under Treaties 1 & 2	7,680 00	
do do do 3	3,200 00	
do do do 4	6,500 00	
do do do 5	4,540 00	
do do do 6	10,500 00	
do do do 7	12,000 00	
Provisions for Indians assembled to receive annuities, and also for relief accorded under Treaties	56 930 00	
Triennial supply of clothing under above Treaties	5,520 00	
Salaries of School Teachers, and cost of School Buildings	11,000 00	
Surveys for Indian Reserves	15,000 00	
Estimated amount required to provide for the erection of houses and farm buildings for the use of the Instructors in husbandry to be sent to the Indians in Manitoba	2,500 00	
Estimated amount required to provide for the erection of houses and farm buildings for the use of the Instructors in husbandry to be sent to the Indians in the North-West	15,000 00	
General expenses—		
Manitoba Superintendency	25,035 00	
North-West do	14,400 00	
Sioux, Manitoba and North-West	7,000 00	
To provide for the payment of Instructors in Agriculture in the North-West	11,250 00	
		484,523 00
NORTH-WEST MOUNTED POLICE.		
Pay of force, including staff	119,000 00	
Extra pay to farmers and artizans	3,500 00	
Rations	42,700 00	
Forage	45,700 00	
Fuel and light	5,000 00	
Clothing	22,000 00	
Repairs, renewals, replacement of horses, arms and ammunition Miscellaneous stores	36,000 00	
Carried forward	273,900 00	17,779,681 31

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward ..	273,900 00	17,779,681 31
NORTH-WEST MOUNTED POLICE—*Concluded.*		
Medicines and medical comforts	2,000 00	
Books and stationery	1,000 00	
Transport and freight charges, guides, teamsters and labourers	25,000 00	
Contingencies	3,000 00	
Buildings	4,000 00	
		308,900 00
MISCELLANEOUS.		
Canada Gazette	4,000 00	
Miscellaneous printing	10,000 00	
Unforeseen expenses: Expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament during the first 15 days of the next Session	50,000 00	
Commutation in lieu of remission of Duties on articles imported for the use of the Army and Navy	12,000 00	
For the expenses of Government in the North-West Territories	17,000 00	
For the expenses of Government in the District of Keewatin	5,000 00	
To meet expenditure estimated to be required to put in force the Act respecting the traffic in Intoxicating Liquors	5,000 00	
		103,000 00
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and Contingent Expenses of the several Ports.		
In Province of Ontario	221,195 00	
do Quebec	192,630 00	
do New Brunswick	92,575 00	
do Nova Scotia	105,795 00	
do Manitoba	12,500 00	
do North-West Territories	2,500 00	
do British Columbia	23,604 00	
do Prince Edward Island	25,270 00	
Salaries and travelling expenses of Inspectors of Ports, and travelling expenses of other officers on inspection	16,000 00	
Contingencies of Head Office, covering printing, stationary, advertising, telegraphing, &c., for the several ports of entry	15,000 00	
To meet probable expenditure in connection with the establishment of a Board of Experts, and Outside Service	10,000 00	
	717,069 00	
EXCISE.		
Salaries of Officers and Inspectors of Excise	175,240 00	
Travelling expenses, rent, fuel, stationery, &c.	35,000 00	
To pay Collectors of Customs allowance of duties collected by them	2,000 00	
Preventive Service	5,500 00	
Further required for Preventive and Outside Service	4,000 00	
	221,740 00	
Carried forward	938,809 00	18,191,581 31

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		938,809 00	18,191,581 31
COLLECTION OF REVENUES—*Continued.*			
CULLING TIMBER.			
Quebec Office.			
1 Supervisor	2,000 00		
1 Deputy Supervisor and Book-Keeper	1,600 00		
1 Cashier	1,200 00		
3 Specification Clerks	1,900 00		
1 Messenger	400 00		
9 Specification Clerks, viz. :—1 at $1,000, 2 at $700, 4 at $600, and 2 at $500 (8 months)	5,800 00		
Assistant Book-Keeper,	1,000 00		
Pay of Cullers	45,000 00		
Contingencies	4,000 00		
Montreal Office.			
1 Deputy Supervisor	800 00		
Book-Keeper, Specification Clerks	1,000 00		
Pay of Cullers	2,500 00		
Contingencies	300 00		
		67,500 00	
WEIGHTS, MEASURES AND GAS.			
Salaries of Deputy Inspectors of Weights and Measures	40,800 00		
do Gas Inspectors	8,000 00		
Rent, fuel, travelling expenses, postage, stationery, &c.	23,500 00		
		72,300 00	
INSPECTION OF STAPLES.			
For the purchase and distribution of standards of flour, &c., and other expenditure under the Act		3,000 00	
ADULTERATION OF FOOD.			
To meet expenses under the Act		10,000 00	
PUBLIC WORKS.			
Maintenance and Repairs.			
Salaries and contingencies of canal officers	32,020 00		
Collection of slide and boom dues	20,545 00		
Repairs and working expenses, canals	281,700 00		
Repairs and working expenses, harbours and slides	62,900 00		
Intercolonial Railway	1,500,000 00		
do do Additional for working expenses	255,000 00		
Prince Edward Island Railway	230,000 00		
Carried forward	2,382,165 00	1,091,609 00	18,191,581 31

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	2,382,165 00	1,091,609 00	18,191,581 31
COLLECTION OF REVENUES—*Concluded.*			
PUBLIC WORKS—*Concluded.*			
Maintenance and Repairs—Concluded.			
Telegraph lines, British Columbia (including subsidy).	36,000 00		
Telegraph lines between Prince Edward Island and the mainland	2,000 00		
Agent and contingencies, British Columbia	4,000 00		
Rebuilding superstructure of north-west pier, Burlington Bay Canal, destroyed by fire	12,000 00		
For necessary repairs to the north-eastern side of canal basin, Rideau Canal, Ottawa	4,000 00		
		2,440,165 00	
POST OFFICE.			
For Ontario	777,000 00		
Quebec	476,000 00		
New Brunswick	163,000 00		
Nova Scotia	192,000 00		
Prince Edward Island	46,000 00		
British Columbia	67,000 00		
North-West Territory	15,000 00		
Manitoba	22,000 00		
Amount required to maintain increased frequency of steam communication with Magdalen Islands and between Magdalen Islands and Gaspé	3,600 00		
		1,761,600 00	
DOMINION LANDS.			
Surveys of lands, Manitoba and the north-west (including commission, staff, land agencies, rent, stationery, &c., &c	90,000 00		
Additional amount required for township sub-divisions, inspection of same, and surveys of timber berths	27,500 00		
		117,500 00	
MINOR REVENUES.			
To defray expenses connected with minor revenues		10,000 00	
			5,420,874 00
Total			23,612,455 31