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STATUTES OF CANADA

PASSED IN THE SESSION HELD IN THE

THIRTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE FOURTH SESSION OF THE FIRST PARLIAMENT OF CANADA,

Begun and holden at Ottawa on the Fifteenth day of February, 1871, and closed by prorogation on the Fourteenth day of April in the same year.



HIS EXCELLENCY

THE RIGHT HONORABLE JOHN, BARON LISGAR,
GOVERNOR GENERAL.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini 1871.



ANNO TRICESIMO-QUARTO

VICTORIÆ REGINÆ.

CAP. I.

An Act for granting to Her Majesty certain sums of money required to defray certain expenses of the Public Service, for the financial years ending respectively, the 30th June, 1871, and the 30th June, 1872.

[Assented to 14th April, 1871.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency the Right Honorable John, Baron Lisgar, 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 one, and the thirtieth day of June, one thousand eight hundred and seventy two, and for other purposes connected with the Public Service : May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that—

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole one million ninety-nine thousand two hundred and sixty-three dollars and seventy-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, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-one, not otherwise provided for and set forth in Schedule A to this Act, and also for the other purposes in the said Schedule mentioned, and relating as well to the public service of the financial year aforesaid, as to that ending on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-two.

\$1,099,263 71
granted for
1870-1 out of
Con. Rev.
Fund of
Canada for
purposes
mentioned in
Schedule A.

\$16,399,856
10 cts.
granted for
1871-2 out of
Con. Rev.
Fund of
Canada for
purposes
mentioned in
Schedule B.

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole sixteen million three hundred and ninety-nine thousand eight hundred and fifty-six dollars and ten cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year our Lord one thousand eight hundred and seventy-one, to the thirtieth day of June, in the year of Lord one thousand eight hundred and seventy-two, not otherwise provided for and set forth in the Schedule B to this Act, and for other purposes in the said Schedule mentioned.

Accounting
clause.

3. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada, during the first fifteen days of the then next Session of Parliament.

SCHEDULE A.

SUMS granted to Her Majesty by this Act, wholly or partly, for the Financial Year ending 30th June, 1871, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
PUBLIC WORKS AND BUILDINGS.		
<i>(Chargeable to Income.)</i>		
Penitentiary, near Montreal	120,000 00	
Surveys and Inspections	10,000 00	
Rebuilding East Pier, Port Dalhousie, Welland Canal (Revote) (the unexpended balance to be carried forward to the fiscal year ending 30th June, 1872)	13,400 00	
Mabou Harbor (to be extended to 30th June, 1872, as in the above vote) ...	12,000 00	
Lighthouse, Cape Jourmain	500 00	
Removal of Snow, Public Buildings, Ottawa	2,000 00	
Rent, Custom House Buildings, St. John, N.B.	3,150 00	
Dredge Vessel, New Brunswick	2,500 00	
		163,550 00
CIVIL GOVERNMENT.		
To pay Four Civil Servants of the Military Branch, Department of Militia and Defence, the increases which would have accrued under the old Civil Service Act, for the year 1867-68	160 00	
To pay Clerk in Paymaster's Office, Halifax, Nova Scotia, to 30th November, 1870, at \$800, Canadian currency, per annum	333 33	
		493 33
LEGISLATION.		
To pay the St. Lawrence and Ottawa Railway Company, for balance due to them for the extra train run on that road during the last Session of Parliament		799 98
ARTS, AGRICULTURE, AND STATISTICS.		
To meet expenses in connection with the taking of the Census, in anticipation of the Vote for 1871-72, the unexpended balance to be carried forward		100,000 00
OCEAN AND RIVER STEAM SERVICE.		
To pay amount required for repairs and outfit of Steamers <i>Napoleon</i> and <i>Druid</i>	7,600 00	
Maintenance of Dominion Steamers, occasioned while doing Marine Police Duty	12,000 00	
		19,600 00
MILITIA.		
<i>Extraordinary.</i>		
Barrack Accommodation, to meet the probable estimate of repairs, &c., of buildings vacated by Imperial troops	12,000 00	
Pay, Maintenance and Equipment of Two Batteries of Garrison Artillery, from 1st May to 30th June, 1871	12,500 00	
To re-imburse the Imperial Government for Stores supplied to Nova Scotia by Imperial Government before Confederation, £135 13s. 11d. Sterling ..	660 38	
		25,160 38
<i>Carried forward</i>		309,603 63

SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		309,608 69
LIGHTHOUSES AND COAST SERVICE.		
<i>Quebec.</i>		
Keeper's Dwelling and Buildings in connection with Fog Whistle, South Point Anticosti.....	\$3,000 00	
Erecting Oil Stores, &c., at Lighthouses, and other requirements and outfit for the completion of Light Ship, &c.....	9,500 00	
Maintenance of New Lights for Year ending 30th June, 1871.....	6,180 00	
	18,680 00	
<i>Above Montreal.</i>		
Maintenance of New Lights, for year ending 30th June, 1871.....	800 00	
<i>Nova Scotia.</i>		
Buildings, &c., for Fog Whistle, Cranberry Island.....	1,500 00	
<i>New Brunswick.</i>		
To complete Light, at Cox's Point, Grand Lake; Beacon Block, St. Andrews; Beacons at Fox's Island; and Observatory at St. John.	1,850 00	
		22,830 00
FISHERIES.		
To cover expenditure required for Fishery Services, as under:—		
Ontario.....	500 00	
New Brunswick.....	2,000 00	
Nova Scotia.....	3,000 00	
	5,500 00	
Additional for the protection of the Fisheries (Marine Police), to 30th June, 1871, in advance for the Vote for 1871-72.....	16,000 00	
		21,500 00
MISCELLANEOUS.		
To pay Dame Angelique Leduc, widow of the late J. Bte. Normand, for damages to certain property held by her, occasioned by the construction of the Dam at the head of the Beauharnois Canal.....	187 00	
To pay the representatives of the late Mrs. T. D. McGee, the equivalent to one year's Pension formerly paid to her.....	1,200 00	
To pay the widow of the late Henry Traill, formerly a guard of the Kingston Penitentiary, who was murdered, whilst in execution of his duties, by two convicts, Smith and Mann.....	1,000 00	
To pay Mrs. Moylan, widow of the late G. T. Moylan, Railway Mail Clerk, who died from injuries received from a fall from a Post Office car on the Grand Trunk Railway, between Grafton and Cobourg, whilst in execution of his duties.....	600 00	
To pay balance of expenses of the Civil Service Commission.....	3,269 53	
To pay the family of the late Captain O'Brien of the Schooner <i>Ocean Traveller</i> , lost in October last, whilst on the Sable Island Humane Establishment Service.....	600 00	
To pay the families of the crew of the <i>Ocean Traveller</i>	1,000 00	
To re-imburs Messrs. Gibbons, Burchill, & Connell, of Sydney, Cape Breton, expenses incurred by them in procuring medical aid for three men employed in the month of December, 1869, in carrying supplies to Flint Island Lighthouse, but who were carried out to sea, and suffered exposure for nine days.....	350 00	
<i>Carried forward</i>	8,206 53	353,933 69

SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	
<i>Brought forward</i>	8,206 53	353,933 69
MISCELLANEOUS.—Continued.		
To pay the three men mentioned in the above vote, two of whom were so severely frost-bitten, that their limbs had to be amputated, and who are consequently cripples for life	600 00	
To pay the Customs Department amount paid by the Collector, Halifax Nova Scotia, for Boatmen's services, in connection with the Board of Health, Halifax, for half year ended 31st December, 1867.	1,104 00	
To pay the estimated cost of removing depreciated Coin in the Province of Nova Scotia (the unexpended balance of the Vote to be carried forward to 1871-72)	40,000 00	
To provide for compensation to sufferers by the Insurrection in Rupert's Land in 1869-70, claims for loss of property, or for imprisonment, or for forced emigration from the Territory, to be proved before the Recorder of Manitoba, or any Commissioners appointed for that purpose by the Governor, and afterwards referred to the Treasury Board, and approved by Order in Council (the unexpended balance to be held over till 1871-72)	40,000 00	
To pay Messrs. Gooderham & Worts, of Toronto, refund of duties paid by them on Whiskey shipped to Halifax prior to Confederation, but which remained in Bond until after the Union	2,309 34	
To pay costs and damages awarded by Sheriffs' Jury in the case of Kinnear Bros. v. Robinson, Collector of Customs, St. John, N.B.	8,436 41	
To pay the estimated expenses of the Canal Commission	10,000 00	
To pay amount further required in connection with the North West Territories	200,000 00	
		310,656 28
COLLECTION OF REVENUE.		
CUSTOMS.		
To pay the Contingencies of the Port of Halifax, Nova Scotia, for the fiscal year ending 30th June, 1868	2,032 58	
To pay the salaries of Preventive Officers and expenses at Port Hawkesbury, Nova Scotia, for the three years, 1867-68, 1868-69, 1869-70.	661 16	
To pay the salary of the Seizing Officer, Canada Creek, Port of Cornwallis, Nova Scotia, from 1st July, 1867, to 30th June, 1871, at \$40 per annum	160 00	
To pay the salary of the Preventive Officer, Tusket Wedge, Nova Scotia, for 1868-69, and 1869-70, at \$60 per annum	120 00	
		2,973 74
INLAND REVENUE.		
To pay the cost of Standard Weights and Measures, and other expenses consequent on assimilation of Weights and Measures (the unexpended balance to be carried forward to the fiscal year, 1871-72)	50,000 00	
To pay Collectors allowances, N.S. and N.B., on duties collected by them, estimated at	2,700 00	
		52,700 00
POST OFFICE.		
To pay for Mail Service in the Province of Manitoba, and for payment to the United States Post Office of Transit Rates for the conveyance of closed mails to and from Manitoba		6,000 00
PUBLIC WORKS.		
European and North American Railway Extension, Working Expenses	8,000 00	
Maintenance, Salaries of Staff, &c., for the month of June, 1871.	15,000 00	
		23,000 00
<i>Carried forward</i>		749,263 71

SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		749,263 71
SURVEYS IN MANITOBA. •		
To meet the expenses of the above service for the current year (the balance to be carried forward to 1871-72)		100,000 00
PUBLIC WORKS AND BUILDINGS.		
<i>(Chargeable to Capital.)</i>		
Survey of Pacific Railway (balance unexpended to be carried on to 1871-72)		250,000 00
Total		1,099,263 71

SCHEDULE B.

SUMS granted to Her Majesty by this Act for the Financial Year ending 30th June, 1872, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.		
	\$ cts.	\$ cts.
Governor General's Secretary's Office	6,755 00	
The Department of the Privy Council	11,933 33	
The Department of Justice	7,700 00	
The Department of Militia and Defence	27,930 00	
The Department of the Secretary of State	22,827 50	
The Department of State for the Provinces	16,630 00	
The Department of the Receiver General	15,950 00	
The Finance Department	36,307 50	
The Customs Department	21,940 00	
The Inland Revenue Department	18,150 00	
The Department of Public Works	40,040 00	
The Post Office Department	52,520 00	
The Department of Agriculture	21,900 00	
The Department of Marine and Fisheries	16,725 00	
The Treasury Board Office	3,000 00	
The Finance Offices, Nova Scotia and New Brunswick	7,500 00	
The Marine and Fisheries Offices, Nova Scotia and New Brunswick	8,100 00	
Departmental Contingencies	150,000 00	
Stationery Office for Stationery	15,000 00	
To meet the possible amount for increases under the Civil Service Act, or for possible new appointments required by an extension of the staff, or other change	25,000 00	
		525,908 33
ADMINISTRATION OF JUSTICE.		
Miscellaneous	10,000 00	
To provide for the Administration of Justice for Manitoba and the North West Territory	10,000 00	
		20,000 00
POLICE.		
Police of the Dominion	25,000 00	
Water Police, Montreal	10,000 00	
River Police, Quebec	10,348 00	
		45,348 00
LEGISLATION.		
<i>Senate.</i>		
Salaries and Contingent Expenses of the Senate	43,245 00	
<i>House of Commons.</i>		
Salaries and Contingencies, per Clerk's Estimate	79,590 00	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate	40,268 75	
<i>Miscellaneous.</i>		
Grant to Parliamentary Library	6,000 00	
Printing, Binding and distributing the Laws	10,000 00	
Printing, Printing paper and Bookbinding	35,000 00	
Contingencies of the Clerk of the Crown in Chancery	1,000 00	
Miscellaneous Printing	2,000 00	
To pay costs of Maps for Railway Committee	1,250 00	
		218,353 75
<i>Carried forward</i>		809,610 08

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		809,610 08
GEOLOGICAL SURVEYS AND OBSERVATORIES.		
<i>Observatories.</i>		
Observatory, Quebec.....	2,400 00	
do Toronto	4,800 00	
do Kingston	500 00	
do Montreal	500 00	
do Halifax (Revote \$750)	1,500 00	
do New Brunswick.....	1,000 00	
Repairs and Alterations to Time Ball Apparatus, Quebec.....	1,000 00	
Grant for Meteorological Observatories including Instruments	5,000 00	
		16,700 00
ARTS, AGRICULTURE, AND STATISTICS.		
Salaries and contingent expenses of Statistical Office, Halifax.....	3,890 00	
Salaries of 316 Deputy Registrars, Province of Nova Scotia, and allowance for getting Marriage Returns	1,880 00	
To meet the possible amount required in the fiscal year ending 30th June, 1872, for the taking of the Census	260,000 00	
To meet possible amount required for the Census beyond the limits of Ontario, Quebec, Nova Scotia, and New Brunswick.....	50,000 00	
		315,770 00
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employés.....	18,212 00	
Medical Inspection, Port of Quebec	2,600 00	
Quarantine, Grosse Isle.....	12,000 00	
Do St. John, N.B.	3,900 00	
Do Halifax.....	4,460 00	
Travelling Expenses and Contingencies, Europe and Canada.....	14,000 00	
To meet possible expenses of Immigration	45,000 00	
Towards obtaining and disseminating information, and meeting other requirements of Immigration Agencies	7,500 00	
		107,672 00
MARINE HOSPITALS.		
Marine and Emigrant Hospital, Quebec.....	21,000 00	
Marine Hospitals, New Brunswick and Nova Scotia, Hospital at St. Catherines, and Maintenance &c., of Shipwrecked and Sick and Distressed Seamen at the several Ports of the Dominion.....	18,000 00	
		39,000 00
PENSIONS.		
Samuel Waller, late Clerk, House of Assembly.....	400 00	
L. Gagné, Messenger do	72 00	
John Bright do	80 00	
Mrs. Antrobus.....	800 00	
<i>New Militia Pensions.</i>		
Mrs. Caroline McEachern, and four children	292 00	
Jane Lakey	146 00	
Rhoda Smith	110 00	
Janet Alderson	110 00	
Margaret McKenzie	80 00	
Mary Ann Richey, and two children	336 00	
Mary Morrison	80 00	
Louise Prud'homme, and two children	130 00	
<i>Carried forward</i>	2,636 00	1,288,752 08

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>New Militia Pensions.—Continued.</i>		
<i>Brought forward</i>	2,636 00	1,288,752 08
Virginie Charron, and four children	150 00	
Paul M. Robbins.....	146 00	
Charles T. Bell	73 00	
Alex. Oliphant	109 50	
Charles Lugsden	91 25	
John White	109 50	
Thomas Charters	91 25	
Samuel McCrag	109 50	
Charles T. Robertson.....	110 00	
Percy G. Routh.....	400 00	
Richard S. King	400 00	
George A. McKenzie.....	73 00	
Edward Hilder	146 00	
Fergus Scholfield	73 00	
John Bradley.....	109 50	
Richard Penticost.....	91 25	
James Bryan	109 50	
Jacob Stubbs	73 00	
Mary Connor.....	110 00	
Mary Hodgins, and three children.....	191 00	
John Martin.....	110 00	
A. E. Marchand	110 00	
A. W. Stevenson	110 00	
Mrs. J. Thorburn.....	150 00	
Mrs. P. T. Worthington, and children	378 00	
Mrs. J. H. Elliott, and children	130 00	
Mrs. George Prentice, and children	400 00	
Ellen Kirkpatrick, and three children	266 00	
COMPENSATION TO PENSIONERS.		
In lieu of land	9,000 00	16,056 25
PUBLIC WORKS AND BUILDINGS.		
<i>(Chargeable to Capital.)</i>		
DOMINION RAILWAYS.		
	\$ cts.	\$ cts.
Intercolonial Railway		6,000,000 00
Nova Scotia Railway		31,100 00
European and North American, New Brunswick and Eastern Extension Railways, viz.:		
Increased accommodation, St. John	157,700 00	
do do Pointe Duchêne	48,000 00	
Construction between Painsc and Amherst	8,100 00	
		213,800 00
Extension of Railway Terminus to Halifax		150,000 00
CANALS.		
<i>Lachine Canal—</i>		
Supply Weir at head (Revote).....	20,000 00	
Culvert, River St. Pierre do	13,000 00	
		42,000 00
Regulating Weir, St. Gabriel	20,000 00	
<i>Carried forward</i>	62,000 00	6,394,900 00
		1,304,808 33

SCHEDULE B.—Continued.

SERVICE.		Amount.	Total.
<i>Brought forward</i>		62,000 00	\$ cts. 6,394,900 00
			\$ cts. 1,304,808 33
CANALS.—Continued.			
<i>Welland Canal—</i>			
Deepening to Lake Erie Level (Revote \$25,000).....	25,000 00		
Waste Weir at Dunville (Revote).....	18,000 00		
Removal Banks Deep Cut above water level.....	200,000 00		
Superintendence and Contingencies.....	4,000 00		
Extending & deepening Harbor, Port Dalhousie, (Revote \$10,000).....	20,000 00		
do do do Port Colborne.....	20,000 00		
		287,000 00	
<i>Carillon and Grenville Canal (Revote \$125,000) ..</i>		275,000 00	
Towards raising the banks of the Welland Canal		200,000 00	
Towards enlargement of Grenville Canal Lock ..		150,000 00	
Towards improving channel of River St. Lawrence, between Kingston and Montreal.....		100,000 00	
Completion of survey of Sault Ste. Marie Canal.....		10,000 00	
			1,084,000 00
HARBORS AND PIERS.			
(Revote \$77,000 00).....			326,000 00
LIGHTHOUSE.			
Protection to Little Hope Lighthouse, N. S. (Revote).....			5,000 00
PUBLIC BUILDINGS.			
Ottawa Parliament and Departmental Buildings (Revote).....		40,000 00	
do do Buildings, Library.....		50,000 00	
do do Tower, Railing, Grounds, &c.....		207,000 00	
Post Office, Custom House, and other Public Buildings, Halifax, or for the payment of such amount not exceeding \$66,385, as may be awarded as justly due to the Province of Nova Scotia, in case the New Province Building is made available for those purposes.....		200,000 00	
Towards the construction of a new Post Office, Montreal.....		40,000 00	
			537,000 00
Total chargeable to Capital.....			8,346,900 00
PUBLIC WORKS AND BUILDINGS.			
<i>Railway Subsidies chargeable to Provinces.</i>			
Western Extension, New Brunswick.....			10,000 00
PUBLIC WORKS AND BUILDINGS.			
<i>(Chargeable to Income.)</i>			
Slides, and Booms, and Works, necessary to facilitate the descent of Timber, viz:—			
St. Maurice River New Works.....	10,000 00		
do do at mouth.....	43,000 00		
Ottawa River.....	15,300 00		
Dumoine River.....	18,000 00		
Miscellaneous.....	15,000 00		
		101,300 00	
<i>Carried forward</i>		101,300 00	9,661,708 33

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	101,300 00	9,661,708 33
<i>Improvement of Rivers :—</i>		
St. John River, N.B., Little Current and Devil's Nose, Lake Huron,	6,000 00	
<i>Roads and Bridges :—</i>		
Bridge, Portage du Fort	8,000 00	
Miscellaneous for expenditure on Metapedia Military Road only if required	5,000 00	
Bridge over Rideau Canal, at Wellington Village (the local authorities furnishing an equal amount)	6,000 00	
	19,000 00	
Surveys and Inspection	25,000 00	
Arbitrations and Awards	10,000 00	
Miscellaneous Works not otherwise provided for	10,000 00	
Rents, Repairs, Furniture	45,000 00	
Heating Public Buildings, Ottawa	30,000 00	
Rents, Repairs, &c., Custom House, St. John, and other Public Buildings	15,000 00	
	90,000 00	
<i>Public Buildings :—</i>		
London Custom House	35,000 00	
Halifax Quarantine Station (Revote \$4,000)	6,000 00	
Ottawa Post Office	40,000 00	
St John do	50,000 00	
Toronto Custom House and Savings Bank	150,000 00	
Emigration Buildings, Point Levis and Montreal	18,000 00	
Grosse Isle	10,000 00	
Partridge Island, St. John	4,000 00	
New Post Office, Montreal, cost of site	150,000 00	
Toronto, Quebec, and London Post Offices (revote)	120,000 00	
Toronto and Kingston Immigrant Sheds	5,500 00	
Public Buildings generally	20,000 00	
Removal of snow, Public Buildings, Ottawa	2,000 00	
	610,500 00	
<i>Harbors and Piers :—</i>		
Richibucto Harbor	2,800 00	
House Harbor (Revote)	2,000 00	
Bathurst Harbor (Revote)	2,000 00	
Two Steam Dredges (Revote \$36,000)	52,000 00	
Dredging	30,000 00	
Dredge Vessels, New Brunswick	2,500 00	
Towards completion of Piers, Kincardine, Lake Huron ..	8,000 00	
Harbor of Refuge, Liverpool, N.S., (estimated cost \$80,000)	25,000 00	
Quaco, N. B., Harbor of Refuge	13,500 00	
Pier, Maitland, Shubinacadie River, N. S. (Local autho- rities furnishing \$3,000 00)	3,000 00	
Margaretville, N.S., repairs of pier	1,650 00	
Digby, N. S., completion and repairs of pier	1,650 00	
Port Hood, Cape Breton, repairs of pier	1,650 00	
MacNairs Cove, Harbor	11,000 00	
Arisaig, repairs to pier	2,200 00	
Amherst Harbor (Magdalen Islands)	2,500 00	
Cap de Chatte	800 00	
Rivière du Loup en haut (Local authorities furnishing an equal amount)	4,000 00	
Presqu'île Harbor, Lake Ontario	10,000 00	
	176,250 00	
<i>Carried forward</i>	1,048,050 00	9,661,708 33

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	1,048,050 00	9,661,708 33
Rideau Hall Heating Apparatus and Water Supply	8,000 00	
<i>Canals</i> :—		
Dwelling Lock Master, Port Robinson, Welland Canal ...	2,000 00	
St. Ann's Lock, improving channel above and below lock.	5,000 00	
Chambly Canal, Lock keepers' houses	1,800 00	
Rideau Canal, increase of water supply (Revote)	5,000 00	
Miscellaneous Works	15,200 00	
Total chargeable to Income	29,000 00	1,085,050 00
OCEAN AND RIVER STEAM AND PACKET SERVICE.		
DOMINION STEAMERS.		
Maintenance of Steamers <i>Napoleon III</i> , <i>Lady Head</i> and <i>Druid</i>	62,500 00	
SUBSIDIES.		
Moiety payable to Inman Line between Halifax and Cork	39,541 00	
Steam Communications between Quebec and Maritime Provinces	15,000 00	
Steam Communication between Prince Edward Island and the Ports of the Dominion	3,000 00	
Packet Communication between Pictou and the Magdalen Islands	400 00	
Steam Communication between New Brunswick and Prince Edward Island	1,000 00	
Steam Communication Halifax and St. John via Yarmouth	10,000 00	
Communication from St. John to Ports in Basin of Minas	2,000 00	
<i>Tug Service, Upper St. Lawrence.</i>		
Between Montreal and Kingston	12,000 00	145,441 00
PENITENTIARIES.		
Penitentiary, Kingston, Ontario	117,091 27	
Rockwood Asylum do	82,734 25	
Penitentiary, Halifax, N. S.	21,136 00	
do St. John, N. B.	43,170 00	
Directors of Penitentiaries	9,000 00	
To provide for the estimate of cost of testing system of gratuities payable to Convicts on discharge	2,000 00	
<i>Kingston Buildings, &c.</i>		
Timber for Cribwork on Water Front, and to raise New Wharf	1,500 00	
Penal Prison and Warden's House, &c.	2,500 00	
Steam Boiler for heating water and steam cooking range ..	1,500 00	
	5,500 00	
To meet expenses for organising and maintaining Montreal Penitentiary.	14,000 00	294,631 52
MILITIA.		
<i>Ordinary Services.</i>		
Salaries of Military Branch and District Staff	35,440 00	
do Brigade Majors, including three Brigade Majors for Manitoba and British Columbia	30,000 00	
<i>Carried forward</i>	65,440 00	11,186,830 85

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	65,440 00	11,186,830 85
<i>MILITIA—Continued.</i>		
<i>Ordinary Service—Continued.</i>		
Allowances for Drill Instruction, to extend to 1st November, 1872, it being impossible to get in all the claims under this head before the expiration of the financial year	47,000 00	
Military Schools, including the pay of Chief Instructor in Gunnery, and the Superintendent and his Clerk	65,000 00	
Ammunition	139,109 00	
Clothing	130,000 00	
Military Stores and Storage	85,683 00	
Public Armories and care of arms, including the pay of storekeepers and caretakers, storemen, and the rent, fuel, and light of Public Armories, to extend to the 1st November, 1872, it being impossible to get in all the claims under this head before the expiration of the financial year	60,000 00	
Drill pay and camp purposes, and all other incidental expenses connected with the Drill and Training of the Militia, to extend to the 1st November, 1872, it being impossible to get in all the claims under this head before the expiration of the financial year	500,000 00	
Contingencies and general service not otherwise provided for, including assistance to Rifle Associations and Bands of efficient Corps	75,000 00	
Targets	5,000 00	
Drill Sheds and Rifle Ranges	20,000 00	
<i>Extraordinary Services.</i>		
Barrack accommodation	12,000 00	
Military survey	2,607 00	
To meet the expense of any damage to Arms	5,000 00	
Gunboats	25,000 00	
Care and Maintenance of properties transferred from the Ordnance	12,500 00	
For improved Fire Arms (Henry-Martini and Snider Rifles) (Revote \$40,000)	142,055 00	
Ordnance and Equipment for Field Batteries and Garrison Batteries of Artillery	33,606 00	
Pay, Maintenance, and Equipment of two Batteries of Garrison Artillery for Garrison Duty	75,000 00	
		1,500,000 00
LIGHTHOUSES AND COAST SERVICE.		
Construction of Lighthouses, Fog Trumpets, &c.	79,700 00	
QUEBEC.		
Salaries of Lighthouse Keepers, &c.	23,007 00	
Maintenance of Lighthouses, &c.	18,929 00	
	41,936 00	
BETWEEN QUEBEC AND MONTREAL.		
Salaries of Lighthouse Keepers, &c.	3,880 00	
Maintenance, &c., of Lighthouses	6,825 00	
Steamer "Richelieu"	4,050 00	
	14,755 00	
TRINITY HOUSE, QUEBEC.		
Salaries and Contingencies	7,925 00	
<i>Carried forward</i>	144,316 00	12,686,830 85

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	\$ cts. 144,316 00	\$ cts. 12,686,830 85
TRINITY HOUSE, MONTREAL.		
Salaries and Contingencies	7,614 00	
LIGHTHOUSES, &C., ABOVE MONTREAL.		
Salaries and allowances	24,591 00	
Maintenance	30,970 00	
	55,561 00	
NOVA SCOTIA.		
Salaries and allowances	28,854 00	
Maintenance	32,045 00	
	60,899 00	
NEW BRUNSWICK.		
Salaries and allowances	11,447 00	
Maintenance	10,760 00	
Buoys and beacons	4,600 00	
	26,807 00	
Sable and Seal Islands Humane Establishments.	4,000 00	
Cape Race Light	500 00	
	3,150 00	
QUEBEC.		
New light at Coteau Landing	150 00	
Lights, near and at Saguenay	1,000 00	
Carleton Port, Baie de Chaleur, Cape D'Espoir, County Gaspé	2,000 00	
	3,150 00	
ONTARIO.		
Lighthouse, Salmon Point, Lake Ontario	1,000 00	
NEW BRUNSWICK.		
Light at Alnwick	800 00	
Houses for light keepers at Portage and Fox Islands	1,000 00	
	1,800 00	
NOVA SCOTIA.		
Light at Mahone Bay	600 00	
Chebucto Head	2,000 00	
Fog whistle, St. Paul's Island	6,000 00	
Beacon light, Sydney Harbor	800 00	
Buoys off Nova Scotia coast	600 00	
Steam fog whistle, Briars' Island	5,000 00	
	15,000 00	
	324,647 00	
FISHERIES.		
Maintenance and repairs of Schooner <i>La Canadienne</i>	9,000 00	
Salaries and disbursements of Fishery Overseers and Wardens:—		
Ontario	6,000 00	
Quebec	7,000 00	
New Brunswick	7,000 00	
Nova Scotia	7,000 00	
Fishways and Oyster Beds and for Fish Breeding	7,500 00	
Additional for the protection of the Fisheries (Marine Police)	70,000 00	
	113,500 00	
<i>Carried forward</i>		13,124,977 85

SCHEDULE

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	\$ cts.	\$ cts. 13,124,497 85
CULLING TIMBER.		
Salaries and Contingent Expenses of the Cullers' Office.....		73,400 00
STEAMBOAT INSPECTION.		
To defray expenses of Steamboat Inspection.....		8,500 00
INDIANS.		
Annual Grant to Indians, Quebec.....	400 00	
do do Nova Scotia.....	3,300 00	
do do New Brunswick.....	3,200 00	
To Purchase Blankets for aged and Infirm Indians, Ontario and Quebec.....	1,200 00	
		8,100 00
MISCELLANEOUS.		
Printing Canada "Gazette".....	2,500 00	
Postage do.....	1,200 00	
Miscellaneous Printing.....	5,000 00	
Unforeseen Expenses: Expenditure thereof to be under Order in Council, and a detailed account thereof to be laid before Parliament, during the first fifteen days of the next Session.....	75,000 00	
Expenses connected with ascertaining correct time at Ottawa and firing of noon gun.....	400 00	
Expenses of Investigations relating to Wrecks.....	1,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy, to be apportioned by Order in Council.....	40,000 00	
To provide for examination and classification of Masters and Mates (Mercantile Marine).....	6,200 00	
To provide one half of the British Share of the Expenditure in reference to Surveys of the Boundary Line, between Canada and the United States of America, on the 49th parallel of North Latitude.....	50,000 00	
To provide for purchase and maintenance of Life Boats, Life Preservers, and for rewards for saving life.....	3,600 00	
For opening up communication with North-West Territory Unexpended balance (Re-vote).....	400,000 00	
To pay expenses connected with organizing and carrying on Government in British Columbia (in addition to revenue received therein).....	125,000 00	
To pay one-half of the cost of surveying boundary line between Ontario and the North West Territories.....	15,000 00	
Cost of printing Proclamations and Orders in Council to carry out laws.....	5,000 00	
		729,900 00
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and contingent expenses of the several Ports, viz:—		
In Province of Ontario.....	164,426 60	
do Quebec.....	165,145 25	
do New Brunswick.....	68,812 75	
do Nova Scotia.....	92,702 25	
do Manitoba and North West.....	6,500 00	
Salaries and contingent expenses of Inspectors of Ports.....	9,750 00	
		507,336 25
Contingencies at Head Office, covering Printing, Stationery, Advertising, Telegraphing, &c., for the several Ports of Entry.....	15,000 00	
To provide for Special Officers and Services.....	3,000 00	
		525,336 25
<i>Carried forward</i>		14,470,214 10

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		14,476,214 10
INLAND REVENUE.		
Salaries of Outside Officers and Inspectors of Excise	111,000 00	
Travelling expenses, rent, fuel, stationery, postage, furniture, &c.	28,500 00	
Preventive Service	3,000 00	
To provide for additions to the Outside Service of the Excise Department as may be found necessary	4,900 00	
To pay Collectors in Nova Scotia and New Brunswick, allowances on duties collected by them estimated at	2,700 00	
		150,100 00
POST OFFICE.		
Ontario and Quebec Mail Service:—		
Grand Trunk Railway	167,000 00	
Great Western Railway	45,000 00	
Other Railways	50,000 00	
Steamboat Service	40,000 00	
Ocean Mail Service	10,000 00	
Military and Naval Postage refunds	3,000 00	
Salaries of Outside Services: Inspectors, Railway Clerks, &c.	100,000 00	
Payments for ordinary Mail Contract Service	230,000 00	
Miscellaneous	30,000 00	
in Account Money Order Branch	3,000 00	
Post Office Savings Bank	5,000 00	
	683,000 00	
Nova Scotia Mail Services	90,000 00	
New Brunswick Mail Services	75,000 00	
Manitoba Mail Services	10,000 00	
To pay for Steamboat Mail Service on the Upper Lakes, between Collingwood and Fort William	12,500 00	
		870,500 00
PUBLIC WORKS.		
<i>Maintenance and Repairs.</i>		
Ontario and Quebec	355,800 00	
Nova Scotia Railways	339,000 00	
European and North American Railway and Eastern Extension, Working Expenses	165,000 00	
Salaries and Contingencies of Canal Officers	27,070 00	
Collection of Slide and Boom Dues	12,172 00	
		899,042 00
MINOR REVENUES.		
Amount required in connection with Minor Revenues		10,000 00
Total		16,399,856 10

CAP. II.

An Act to indemnify the Members of the Executive Government, and others, for the unavoidable expenditure of Public Money, in excess of the Parliamentary Grant, incurred in repelling the threatened invasion of the Fenians in 1870.

[Assented to 14th April, 1871.]

WHEREAS, it appears,—that by reason of the attack on Preamble.
the Frontier, and the threatened invasion of Canada by the Fenians in the year 1870, it became unavoidably necessary for the Executive Government to authorize the expenditure of the sum hereinafter mentioned, for the defence of the Dominion, and in repelling the said invasion, in excess of the Parliamentary grant for that purpose in the now last Session,—and that under the provisions of the thirty-fifth section of the Act passed in the thirty-first year of Her Majesty's Reign, chapter five, and intituled: "*An Act respecting the collection and management of* 31 V., c. 5.
the Revenue, the auditing of Public Accounts, and the liability of Public Accountants," upon the Report of the Minister of Militia and Defence, that the expenditure for the purposes aforesaid would exceed the sum appropriated for the same, and that an additional amount of two hundred thousand dollars was urgently required, and upon the Report of the Minister of Finance that no other Parliamentary provision was made for such additional expenditure, an Order in Council was passed, bearing date the 27th day of May, 1870, whereby His Excellency the Governor General was advised to issue a Special Warrant, signed by himself, for the sum aforesaid, and such Special Warrant was accordingly so signed and issued by His Excellency for the said sum, which the Receiver-General was thereby directed to place to his credit, in a special account, to be called "The Protection of the Frontier Special Account," out of and against which, all warrants, duly signed and attested by the proper officers, and certified by them to be for the said service, were directed to be paid and charged; and it appears, further, that out of the said sum of two hundred thousand dollars, the sum of one hundred and ninety-eight thousand two hundred and eighty-nine dollars and thirty-five cents were so paid, charged and expended for the service aforesaid; and, whereas, full detailed accounts of the sums so expended up to the 30th day of June, now last, inclusive, have been laid before Parliament in the Public Accounts for the fiscal year ending on that day, and like accounts of the sums so expended after that day are included in the statement of the Auditor-General hereinafter mentioned; And, whereas, the Auditor-General, in obedience to the thirty-fifth section of the Act above cited, prepared a statement containing a copy of the said Order in Council, and of the said Special Warrant, and an account of the expenditure incurred in consequence thereof, and delivered the same to the Minister of Finance, who laid them
2½ before

before Parliament on the third day of the present Session, as required by the Act and section aforesaid, so that all the requirements of the law in the premises have been complied with; And, whereas, it is expedient, under the circumstances above mentioned, to indemnify the several Members of the Queen's Privy Council for Canada, and the officers and persons concerned in advising and giving effect to the Order in Council above mentioned; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Members of the Privy Council and others indemnified.

1. The Members of the Queen's Privy Council for Canada, the Auditor-General, and all officers and persons concerned in advising or carrying out the Order in Council referred to in the Preamble to this Act, or in advancing or expending the sum of money therein mentioned, are hereby indemnified and exonerated from all liability therefor, and the said Order in Council and expenditure shall be held to have been lawfully made.

CAP. III.

An Act respecting the Loan authorized by the Act 32 & 33 Vict., cap. 1, for the purpose of paying a certain sum to the Hudson's Bay Company.

[Assented to 14th April, 1871.]

Preamble.

32-33 V., c. 1.

IN amendment of the third section of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered one, and intituled "An Act for granting to Her Majesty certain sums of Money required to defray certain Expenses of the Public Service, for the Financial Years ending respectively the 30th June, 1869, and the 30th June, 1870, and for other purposes relating to the Public Service;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Order of rank of loan to pay Hudson's Bay Co. on Con. Rev. Fund.

1. The payment of the principal and interest of the loan authorized by the third section of the Act cited in the Preamble to this Act, for the purpose of paying a like sum to the Hudson's Bay Company, for the purposes set forth in the said section, shall be the next charge on the Consolidated Revenue Fund of Canada, after any charge thereon created or to be created, under the Act passed in the Thirty-first year of Her Majesty's reign, and chaptered forty-one, for any loan for fortifications.

Sinking Fund.

Such sums as may be required to form a sinking fund at the rate of one per centum per annum on the entire amount of the said loan, shall be payable out of the Consolidated Revenue Fund
of

of Canada, and shall form the next charge thereon after the principal and interest of the said loan :

Any sum issued out of the Consolidated Fund of the United Kingdom under the Act of the Imperial Government, known as "The Canada (Rupert's Land) Loan Act, 1869," shall be the next charge on the Consolidated Revenue Fund of Canada, after the sinking fund of the said loan :

The money raised by the said fund shall be paid to four trustees nominated from time to time, two by the Treasury of the United Kingdom, and two by the Government of Canada, and such money shall be applied under the direction of those trustees :

The annual sums for the sinking fund shall be remitted to the Treasury of the United Kingdom by equal half-yearly payments, in such manner as the said Treasury may from time to time direct, for the investment and accumulation thereof, under the direction and in the names of four trustees nominated from time to time, two by the said Treasury, and two by the Government of Canada, and the investment and application of the said sinking fund shall be made in the manner provided by The Canada (Rupert's Land) Loan Act, 1869, hereinbefore cited.

2. A detailed account of all money paid out of the Consolidated Revenue Fund of Canada under the authority of this Act or of the Act of Parliament of Canada first above cited, shall be laid before the House of Commons of Canada, within the first fifteen days of the then next Session of the Parliament of Canada.

C A P . I V .

An Act to establish one Uniform Currency for the Dominion of Canada.

[Assented to 14th April, 1871.]

WHEREAS, it is expedient to establish one Uniform Currency for the whole 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 :—

1. On and after the first day of July, in the present year of our Lord one thousand eight hundred and seventy-one, the currency of the Province of Nova Scotia shall be the same as that of the Provinces of Quebec, Ontario, and New Brunswick, in all of which one currency, of the uniform value hereinafter mentioned, has been and is now used,

2.

Denominations in currency.

2. The denominations of money in the currency of Canada, shall be dollars, cents, and mills, the cent being one hundredth part of a dollar, and the mill one tenth part of a cent.

Standard of value of Canada currency.

3. On and after the said first day of July, 1871, the currency of Canada shall be such, that the British sovereign of the weight and fineness now prescribed by the laws of the United Kingdom, shall be equal to and shall pass current for four dollars eighty-six cents and two-thirds of a cent of the currency of Canada, and the half sovereign of proportionate weight and like fineness, for one half the said sum; and all public accounts throughout Canada shall be kept in such currency: and in any statement as to money or money value, in any indictment or legal proceeding, on or after the said day, the same shall be stated in such currency: and in all private accounts and agreements rendered or entered into on or after the said day, all sums mentioned shall be understood to be in such currency, unless some other is clearly expressed, or must, from the circumstances of the case, have been intended by the parties.

Public accounts, &c., to be kept in it.

Payments to be made in Nova Scotia on and after 1st July, 1871, to be in Canada currency.

4. All sums of money payable on and after the said day to Her Majesty, or to any party, under any Act or law in force in Nova Scotia, passed before the said day, or under any bill, note, contract, agreement, or other document or instrument, made before the said day in and with reference to that Province, or made after the said day out of Nova Scotia and with reference thereto, and which were intended to be, and if such alteration of the currency as aforesaid had not been made, would have been payable in the present currency of Nova Scotia, shall, on and after the said day, be represented and payable, respectively, by equivalent sums in the currency of Canada, that is to say, for every seventy-five cents of Nova Scotia currency, by seventy-three cents of Canada currency, and so in proportion for any greater or less sum; and if in any such sum there be a fraction of a cent in the equivalent in Canada currency, the nearest whole cent shall be taken.

How to be calculated.

No bank notes, &c., to be in any other currency.

5. On and after the said day, no Dominion note or bank note payable in any other currency than the currency of Canada, shall be issued or re-issued by the Government of Canada, or by any bank, and all such notes issued before the said day, shall, as soon as practicable, be called in and redeemed, or notes payable in the currency of Canada shall be substituted or exchanged for them.

Her Majesty may cause gold coins to be struck for Canada, and assign thereon value as a legal tender.

6. On and after the said day, any gold coins which Her Majesty may cause to be struck for circulation in Canada, of the standard of fineness prescribed by law for the gold coins of the United Kingdom, and bearing the same proportion in weight to that of the British sovereign, which five dollars bear to four dollars eighty-six cents and two-thirds of a cent, shall pass current and be a legal tender in Canada for five dollars, and any multiples or divisions of such coin, which Her Majesty may cause to be struck for like purposes, shall pass current and be a legal tender in Canada at rates

rates proportionate to their intrinsic value respectively; and any such coins shall pass by such names as Her Majesty may assign to them in her proclamation declaring them a legal tender, and shall, be subject to the like allowance for remedy as British coin.

7. The silver, copper or bronze coins which Her Majesty has caused to be struck for circulation in the Provinces of Quebec, Ontario, and New Brunswick, under the Acts now in force in the said Provinces respectively, shall continue to be current and a legal tender therein, and shall, on and after the said day, be current and a legal tender in the Province of Nova Scotia, at the rates in the said currency of Canada now assigned to them respectively, by the said Acts, and under the like conditions and provisions; and such other silver, copper, or bronze coins as Her Majesty may cause to be struck for circulation in Canada, shall pass current and be a legal tender in Canada, at the rates to be assigned to them respectively by Her Majesty's Royal Proclamation, such silver coins being of the fineness now fixed by the laws of the United Kingdom, and of weights bearing respectively the same proportion to the value to be assigned to them, which the weights of the silver coins of the United Kingdom bear to their nominal value; and all such silver coins aforesaid, shall be a legal tender to the amount of ten dollars, and such copper or bronze coins to the amount of twenty-five cents, in any one payment, and the holder of the notes of any person or corporation to the amount of more than ten dollars, shall not be bound to receive more than that amount in such silver coins in payment of such notes if presented for payment at one time, although each or any of such notes be for a less sum.

Certain silver and copper coins struck by order of Her Majesty for circulation to be a legal tender in Nova Scotia and throughout Canada.

Amount which may be tendered in one payment.

8. No other silver, copper, or bronze coins than those which Her Majesty shall have caused to be struck for circulation in Canada, or in some Province thereof, shall be a legal tender in Canada.

No other coins of silver or copper to be so.

9. Her Majesty may, by Proclamation, from time to time, fix the rates at which any foreign gold coins of the description, date, weight and fineness, mentioned in such Proclamation, shall pass current, and be a legal tender in Canada; provided that unless and until it is otherwise ordered by any such Proclamation, the gold Eagle of the United States of America, coined after the first day of July, 1834, and before the first day of January, 1852, or after the said day, but while the standard of fineness for gold coins then fixed by the laws of the said United States remains unchanged, and weighing ten pennyweights, eighteen grains, Troy weight, shall pass current and be a legal tender in Canada for ten dollars, and the gold coins of the said United States being multiples and halves of the said Eagle, and of like date and proportionate weights, shall pass current and be a legal tender in Canada, for proportionate sums.

As to foreign gold coins.

Proof of date, &c., of coins.

10. The stamp of the year on any foreign coin made current by this Act, or any Proclamation issued under it, shall establish *prima facie* the fact of its having been coined in that year, and the stamp of the country shall establish *prima facie* the fact of its being of the coinage of such country.

Repeal of inconsistent enactments.

11. The first, second, sixth, and seventh sections, of chapter eighty-three, of the Revised Statutes of Nova Scotia, third series, and so much of any other part of the said chapter as may be inconsistent with this Act,—the fifteenth chapter of the Consolidated Statutes of the late Province of Canada,—the Act of the Legislature of the Province of New Brunswick passed in the fifteenth year of Her Majesty's reign, chapter eighty-five, the Act of the said Legislature passed in the sixteenth year of Her Majesty's reign, chapter thirty-three, the Act of the said Legislature passed in the twenty-third year of Her Majesty's reign, chapter forty-eight, except section two,—and the Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, chapter forty-five, except section two,—shall be repealed on and after the said first day of July, 1871, as shall also all other Acts and parts of Acts inconsistent with this Act.

CAP. V.

An Act relating to Banks and Banking.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, it is desirable that the provisions relating to the Incorporation of Banks, and the laws relating to Banking, should be embraced, as far as practicable, in one general Act; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Charters continued for certain purposes until 1 July, 1881.

1. The Charters or Acts of Incorporation of the several Banks enumerated in the Schedule to this Act (including any amendments thereof now in force) are continued as to their Incorporation, the amount of Capital Stock, the amount of each share of such Stock, and the chief place of business of each respectively, until the first day of July in the year of our Lord one thousand eight hundred and eighty one, subject to the right of any such Bank to increase its Capital Stock in the manner hereinafter provided; and as to other particulars the said charters are continued without being subject to any of the provisions of this Act except those contained in Sections Four, Thirty-nine to Fifty-four, both inclusive, and Sixty to Sixty-eight, both inclusive, until the first day of July in the present year of our Lord one thousand eight hundred and seventy one; and from and after the day last mentioned

Certain provisions not to apply until after 1 July, 1871.

tioned, the said charters are continued, subject to the provisions of this Act, until the end of the then next Session of Parliament; and from and after the end of such Session this Act shall form and be the Charters of the said Banks respectively, until the first day of July, 1881, and the provisions thereof shall apply to each of them respectively, and their present charters shall be repealed,—except only as to the matters for which the said Charters are above continued until the day last aforesaid.

Provision until end of next Session and afterwards.

2. The provisions of this Act shall apply to any Bank to be hereafter incorporated (which expression in this Act includes any Bank incorporated by any Act passed in the present Session or in any future Session of the Parliament of Canada) whether this Act is specially mentioned in its Act of Incorporation or not, as well as to all Banks whose charters are hereby continued, but not to any other, unless extended to it under the special provisions hereinafter made.

To what banks the Act applies.

3. The capital stock of any new Bank, the amount of each share, the name of the Bank, and the place where its chief office shall be situate, shall be declared in the Act of Incorporation of any Bank to be hereafter incorporated.

Matters to be provided for in special Acts.

GENERAL REGULATIONS.

4. The Bank may open branches or agencies and offices of discount and deposit and transact business, at any place or places in the Dominion.

Branches and agencies.

5. The capital stock of the Bank may be increased, from time to time, by the shareholders at any annual general meeting, or any general meeting specially called for that purpose; and such increase may be agreed on by such proportions at a time as the shareholders shall determine, and shall be decided by the majority of the votes of the shareholders present at such meeting in person or by proxy.

Increase of capital.

6. Any of the original unsubscribed capital stock, or the increased stock of a Bank, shall, when the Directors so determine, be allotted to the then shareholders of the Bank *pro rata*, and at such rate as shall be fixed by the Directors, provided always that no fraction of a share shall be so allotted; and any of such allotted stock as shall not be taken up by the shareholder to whom such allotment has been made, within three months from the time when notice of the allotment has been mailed to his address, may be opened for subscription to the public, in such manner and on such terms as the Directors shall prescribe.

How to be allotted.

7. No Bank to be hereafter incorporated, unless it be otherwise provided by its charter, shall issue notes or commence the business of Banking until five hundred thousand dollars of capital have been *bond fide* subscribed and one hundred thousand dollars

Conditions previous to commencing business by new Banks.

dollars have been *bond fide* paid up, nor until it shall have obtained from the Treasury Board a certificate to that effect, which certificate shall be granted by the Treasury Board when it is proved to their satisfaction that such amounts of capital have been *bond fide* subscribed and paid respectively; and if at least two hundred thousand dollars of the subscribed capital of such Bank has not been paid up before it shall have commenced business, such further amount as shall be required to complete the said sum shall be called in and paid up within two years thereafter, and it shall not be necessary that more than two hundred thousand dollars of the stock of any Bank, whether incorporated before or after the passing of this Act, be paid up within any limited period from the date of its Incorporation.

Amount of bank notes limited: none to be under \$4.

8. The amount of notes intended for circulation, issued by the Bank and outstanding at any time, shall never exceed the amount of its unimpaired paid up capital: No such note for a less sum than four dollars shall be issued or re-issued by the Bank, and all notes for a less sum heretofore issued shall be called in and cancelled as soon as may be practicable.

Redemption of notes.

9. The Bank shall always receive in payment its own notes at par at any of its offices and whether they be made payable there or not; but shall not be bound to redeem them in specie or Dominion notes at any place other than where they are made payable: the place or one of the places at which the notes of the Bank shall be made payable shall always be its chief seat of business.

No dividend to impair paid up capital; penalty for excess; provision if part thereof be lost.

10. No dividend or bonus shall ever be made so as to impair the paid up Capital, and if any dividend or bonus be so made, the Directors knowingly and wilfully concurring therein, shall be jointly and severally liable for the amount thereof, as a debt due by them to the Bank; and if any part of the paid up Capital be lost, the Directors shall, if all the subscribed stock be not paid up, forthwith make calls upon the Shareholders to an amount equivalent to such loss; and such loss (and the calls, if any) shall be mentioned in the Return then next made by the Bank to the Government; provided that in any case where the Capital has been impaired as aforesaid, all net profits shall be applied to make good such loss.

Dividend limited unless there be a certain Reserved Fund.

11. No division of profits, either by way of dividends or bonus, or both combined, or in any other way, exceeding the rate of eight per cent. per annum, shall be paid by the Bank, unless, after paying the same, it shall have a rest or reserved fund equal to at least twenty per cent. of its paid up capital, deducting all bad and doubtful debts before calculating the amount of such rest.

List of Stockholders to be laid before Parliament yearly.

12. Certified lists of the Shareholders, (or of the principal partners, if the Bank be *en commandite*.) with their additions and residences, and the number of shares they respectively hold, shall

be

be laid before Parliament every year, within fifteen days after the opening of the Session.

13. Monthly returns shall be made by the Bank to the Government in the following form, and shall be made up within the first ten days of each month, and shall exhibit the condition of the Bank on the last juridical day of the month preceding; and such monthly returns shall be signed by the President, or Vice President, or the Director (or, if the Bank be *en commandite*, the principal partner) then acting as President, and by the Manager, Cashier, or other principal officer of the Bank at its chief seat of business: Monthly returns to be made; and how attested.

RETURN of the amount of liabilities and assets of the Bank, on the _____ day of _____ A.D. 18 _____ Form.

CAPITAL AUTHORIZED, \$. CAPITAL SUBSCRIBED, \$. CAPITAL PAID UP, \$

LIABILITIES.

- 1. Notes in Circulation..... \$ cts.
- 2. Government Deposits payable on demand.....
- 3. Other Deposits payable on demand
- 4. Government Deposits payable after notice, or on a fixed day
- 5. Other Deposits payable after notice, or on a fixed day
- 6. Due to other Banks in Canada.....
- 7. Due to other Banks or Agents not in Canada.....
- 8. Liabilities not included under the foregoing heads

ASSETS.

- 1. Specie..... \$ cts.
- 2. Provincial or Dominion notes.....
- 3. Notes of and cheques on other Banks.....
- 4. Balances due from other Banks in Canada.....
- 5. Balances due from other Banks or Agents not in Canada.....
- 6. Government Debentures or Stock.....
- 7. Loans to the Governments of the Dominion and of any of the Provinces, respectively.....
- 8. Loans, Discounts, or Advances on Current Account to Corporations.....
- 9. Notes and Bills discounted, and current.....
- 10. Notes and Bills discounted, overdue and not specially secured.....
- 11. Overdue Debts secured by Mortgage or other Deed, on Real Estate, or by Deposit of, or lien on Stock, or by other Securities.....
- 12. Real Estate, the property of the Bank, (other than the Bank Premises), and Mortgages on Real Estate sold by the Bank.....
- 13. Bank Premises.....
- 14. Other Assets not included under the foregoing heads.....

We declare that the foregoing return is made up from the books of the Bank, and that it is correct to the best of our knowledge and belief.

(Place) this _____ day of _____ 18 .

A. B.—*President, &c.*

C. D.—*Cashier, &c.*

Part of reserves to be in Dominion notes.

14. The Bank shall always hold, as nearly as may be practicable, one half of its Cash Reserves in Dominion Notes, and the proportion of such Reserves held in Dominion Notes shall never be less than one third thereof.

Exemption from Bank Tax, &c.

15. Every Bank to which this Act applies shall be exempt from the tax now imposed on the average amount of its notes in circulation, to which other Banks will continue liable, and from the obligation to hold any portion of its capital in Government Debentures or Debentures of any kind.

Arrangements for supplying Dominion notes.

16. The Receiver General shall make such arrangements as may be necessary for ensuring the delivery of Dominion Notes to any Bank, in exchange for an equivalent amount of specie, at the several offices at which Dominion Notes will be redeemable, in the Cities of Toronto, Montreal, Halifax, and St. John, (N.B.), respectively.

INTERNAL REGULATIONS.

Shares and Shareholders.

Subscription for and transfer of stock in the United Kingdom.

17. Books of subscription may be opened, and shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable, in the United Kingdom of Great Britain and Ireland, in like manner as such shares and dividends are respectively made transferable and payable at the head office of the Bank; and to that end the Directors may from time to time determine the proportion of the shares which shall be so transferable in the United Kingdom, and make such rules and regulations, and prescribe such forms, and appoint such agent or agents, as they may deem necessary.

Payment of shares.

18. The shares of the capital stock shall be paid in by such instalments, and at such times and places as the Directors shall appoint, and executors, administrators and curators paying the instalments upon the shares of deceased shareholders shall be and are respectively indemnified for paying the same: Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time or within thirty days after the time of subscribing.

Proviso: Part payment on subscribing.

19. The shares of the capital stock of the Bank shall be 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 debts or liabilities due, by him, her, or them to the Bank, which may exceed in amount the remaining stock, if any, belonging to such person or persons, and no fractional part or parts of a share, or less than a whole share, shall be assignable or transferable: and when any share or shares of the said capital stock shall have been sold under a writ of execution, the sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier, Manager, or other officer of the Bank, an attested copy of the writ, with the certificate of such sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts or liabilities due by the holder or holders of the shares to the Bank shall have been discharged as aforesaid), the President or Vice-President, Manager or Cashier of the Bank, shall execute the transfer of the share or shares 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 or shares, any law or usage to the contrary notwithstanding.

Transfers of shares: conditions as to shares sold under execution.

Transfer by Cashier, &c., debts to Bank being first paid.

20. A list of all transfers of shares registered each day in the books of the Bank, showing the parties to such transfers and the number of shares transferred in each case, shall be made up at the end of each day and kept at the chief office of the Bank for the inspection of its shareholders.

List of transfers to be made up daily, and open to Shareholders.

21. If the interest in any share or shares in the capital stock becomes transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such declaration shall distinctly state the manner in which, and the party to whom, such shares shall have been transmitted, and shall be by such party made and signed; and every such declaration shall be by the party making and signing the same acknowledged before a Judge of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a city, town, borough, or other place, or before a Public Notary, where the same shall be made and signed; and every declaration so signed and acknowledged shall be left with the Cashier, Manager or other officer, or agent of the Bank, who shall thereupon enter the name of

Transmission of shares otherwise than by transfer: how proved, &c.

Proviso :
When the
declaration of
transfer, &c.,
are made out
of Canada.

Proviso for
further proof.

Transmission
by marriage
of female
shareholder.

Proviso as to
authorization
by husband.

Transmission
by decease of
Shareholder.

Further pro-
vision in such
case,

of the party entitled under such transmission in the Registry of shareholders ; and until such transmission shall have been so authenticated no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, or to vote in respect of any such share or shares : provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share or shares in the Bank which shall be made in any other country than Canada, or some other of the British colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited representative : and provided also that nothing in this Act contained shall be held to debar the Directors, Cashier or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

22. If the transmission of any share of the capital stock be by virtue of the marriage of a female shareholder, the declaration shall be accompanied by a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and shall be made and signed by such female Shareholder and her husband; and it shall be competent to them to include therein a declaration to the effect that the share transmitted is the sole property, and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself, without requiring the consent or authority of her husband ; and such declaration shall be binding upon the bank and the parties making the same, until the said parties shall see fit to revoke it by a written notice to that effect to the Bank ; and further, the omission of a statement in any such declaration, that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal ; any law or usage to the contrary notwithstanding.

23. If the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or any letters of administration, or act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier, or other officer or agent of the Bank, who shall, thereupon, enter the name of the party entitled under such transmission, in the register of shareholders.

24. If the transmission of any share or shares of the capital stock of the Bank be by the decease of any shareholder, the production to the Directors and the deposit with them of any authenticated copy of the probate of the will of the deceased shareholder,

or

or of letters of administration of his estate granted by any Court in the Dominion having power to grant such probate or letters of administration, or by any prerogative, diocesan or peculiar Court or authority in England, Wales, Ireland, or any British Colony, or of any testamentary or testamentative, expedite in Scotland, or, if the deceased shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any authenticated copy of the probate of his or her will or letters of administration of his or her property, or other documents of like import granted by any Court or authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors for paying any dividend, or transferring, or authorising the transfer, of any share or shares, in pursuance of and in conformity to such probate, letters of administration, or other such document as aforesaid.

25. Whenever the interest in any share or shares of the capital stock of the Bank shall be transmitted by the death of any shareholder or otherwise, or whenever the ownership of or legal right of possession in any such share or shares shall change by any lawful means other than by transfer, according to the provisions of this Act, and the Directors of the Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then, and in such case, it shall be lawful for the Bank to make and file in one of the Superior Courts of Law or Equity in the Province in which the Head Office of the Bank is situated, a declaration and petition in writing, addressed to the Justices of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom: Provided always, that notice of such petition shall be given to the party claiming such share or shares, or to the Attorney of such party duly authorized for the purpose, who shall upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in analogous cases before the said superior courts: Provided, also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Provision in case the Directors have reasonable cause of doubt as to the party entitled to any share. Application to Court.

Proviso as to costs.

26. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any of the shares of its stock shall be subject, and the receipt of the party in whose name any such share shall stand in the books of the Bank, or, if it stands in the name of more parties than one, the receipt

Bank not bound to see to trusts.

When the stock stands in more than one name.

receipt of one of the parties, shall be a sufficient discharge to the Bank for any dividend or any other sum of money payable in respect of such share, unless express notice to the contrary has been given to the Bank; and the Bank shall not be bound to see to the application of the money paid upon such receipt, whether given by one of such parties or all of them.

One vote for each share.

27. Each shareholder in the Bank shall, on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least thirty days before the time of meeting. Shareholders may vote by proxy, but no person but a shareholder shall be permitted to vote or act as such proxy; and no Manager, Cashier, Bank Clerk, or other subordinate officer of the Bank shall vote either in person or by proxy, or hold a proxy for that purpose. All questions proposed for the consideration of the said shareholders shall be determined by the majority of their votes: the Chairman elected to preside at any such meeting of the said shareholders shall vote as a shareholder only, unless there be a tie, in which case (except as to the election of a Director) he shall have a casting vote; and where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares, and vote accordingly; and in all cases when the votes of the shareholders are taken the voting shall be by ballot.

Proxies, &c.

Majority of votes to decide. Ties. Joint holders of Shares.

Voting to be by ballot.

Shareholders may regulate certain matters by by-laws.

28. The shareholders in the Bank shall have power to regulate by by-law the following matters incident to the management and administration of the affairs of the Bank, viz.: the qualification and number of the Directors, which shall not be less than five nor more than ten, and the quorum thereof; the method of filling up vacancies in the Board of Directors whenever the same may occur during each year; and the time and proceedings for the election of Directors, in case of a failure of any election on the day appointed, for it:—the remuneration of the President, Vice-President and other Directors; and the closing of the transfer book during a certain time not exceeding fifteen days, before the payment of each semi-annual dividend:—Provided that no Director shall hold less than three thousand dollars of the stock of the Bank, when the paid up capital thereof is one million dollars or less, nor less than four thousand dollars of stock when the paid up capital thereof is over one million and does not exceed three millions, nor less than five thousand dollars of stock when the paid up capital thereof exceeds three millions; the Directors shall be elected annually by the shareholders and shall be eligible for re-election; Provided that the foregoing provisions, touching Directors, shall not apply to a Bank *en commandite*, which shall in these matters be governed by the provisions of its Charter. The shareholders (or if the Bank be *en commandite*, the principal partners), may also regulate by by-law the amount of discounts or loans which may be made to Directors (or if the Bank be *en commandite* to the principal partners), either

Proviso as to qualification of Directors.

Annual election of Directors.

Discounts to Directors, &c.

either jointly or severally or to any one firm or person, or to any shareholder or to Corporations; Provided that until it is otherwise ordered by by-law under this section, the by-laws of the Bank on any matter which can be regulated by by-law under this section, shall remain in force, except as to the qualification of directors as to which they shall remain in force until the next annual general meeting of the shareholders, after the first day of July, 1871, after which no person shall be a Director unless he possesses the number of shares hereby required or such greater number as may be required by any by-law in that behalf.

Proviso :
Certain by-laws to remain in force.
Exception, after 1 July, 1871.

29. Any number not less than twenty-five of the shareholders of the Bank who together may be proprietors of at least one tenth of the paid up capital stock of the Bank, by themselves or by their proxies, or the Directors of the Bank or any four of them, shall have power at any time to call a special general meeting of the shareholders of the Bank to be held at their usual place of meeting upon giving six weeks previous public notice, specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President, or Vice-President, or of a Director or Directors of the said Bank for maladministration or other specified and apparently just cause, then if a majority of the votes of the shareholders of such meeting be given for such removal, a Director or Directors to replace him or them shall be elected or appointed in the manner provided in the By-laws of the Bank, or if there be no by-laws providing therefor, then by the shareholders at such meeting; and if it be the President or Vice-President who shall be removed, his office shall be filled up by the Directors (in the manner provided in case of a vacancy occurring in the office of President or Vice-President) who shall choose or elect a Director to serve as such President.

Special general meetings: how called.

Provision if the President or Vice-President or a Director be removed.

President and Directors.

30. The stock, property, affairs and concerns of the Bank shall be managed by a Board of Directors, the number to be fixed as herein provided, who shall choose from among themselves a President and Vice-President; the Directors shall be natural born or naturalized subjects of Her Majesty, and shall be elected on such day in each year as may be or may have been appointed by the Charter or by any by-law of the Bank, and at such time of the day and at such place where the head office of the Bank is situate, as a majority of Directors for the time being shall appoint; and public notice shall be given by the Directors, by publishing the same at least four weeks in a newspaper of the place where the said head office is situate, previous to the time of holding such election; and the election shall be held and made by such of the shareholders of the Bank as have paid all calls made by the Directors and as shall attend for the purpose in their own proper persons or by proxy, and all elections for Directors shall be by ballot, and the said proxies shall

Annual general meeting of shareholders, and election of directors.

Notice.

Proxies.

shall only be capable of being held and voted upon by shareholders then present, and the persons, to the number fixed by by-law, as hereinbefore provided, who have the greatest number of votes at any election, shall be Directors; provided that if it should happen at any election that two or more persons have an equal number of votes, and the election or non election of one or more of such persons as a Director or Directors depends on such equality, then the Directors who shall have had a greater number, 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 full number; and in case of a vacancy occurring in the number of Directors, such vacancy shall be filled in the manner provided by the By-laws, but the non-filling of the vacancy shall not vitiate the acts of a quorum of the remaining Directors; and if the vacancy so created shall be that of a President or Vice-President, the Directors at the first meeting, after completion of their number, shall, from among themselves, elect a President or Vice-President, who shall continue in office for the remainder of the year. And the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot two of their number to be President and Vice President; Provided always, that no person shall be eligible to be or continue a Director, unless he shall hold, in his name and for his own use, stock in the said Bank to the amount hereinbefore provided.

Case of equality of votes.

Vacancies among directors: how filled.

Election of President, &c.

Proviso.

Failure of election: provision in case of

31. In case it should happen that an election of Directors should not be made on any day when it ought to have been made, the Corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of Directors in such manner as shall have been provided by the by-laws made by the shareholders in that behalf: and the Directors then in office shall remain so, until a new election shall be made.

Quorum of directors &c. Who to preside.

32. At all meetings of the Directors of the Bank not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present, to be chosen *pro tempore*, shall preside; and the President, Vice-President, or President *pro tempore* so presiding, shall vote as a Director, and if there be an equal division on any question shall have a casting vote.

Directors to make By-laws for certain purposes, and appoint officers, &c.

33. The Directors for the time being, or a majority of them, shall have power to make such by-laws and regulations (not repugnant to the provisions of this Act or the laws of the Dominion of Canada) as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the Bank, and touching the duties and conduct of the officers, clerks and servants employed therein, and all such other matters as appertain to the business of a Bank, and shall

shall also have power to appoint as many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them may seem meet; and they may also appoint a Director or Directors for any branch of the Bank: Provided always, that before permitting any Cashier, officer, clerk or servant of the Bank to enter upon the duties of his office, the Directors shall require him to give bond or other security to the satisfaction of the Directors, for the due and faithful performance of his duties; Provided also, that all by-laws of the Bank lawfully made before the passing of this Act, as to any matter respecting which the Directors can make by-laws under this section (including any by-laws for establishing a guarantee fund for the employees of the Bank) shall remain in force until they are repealed or altered by others made under this Act.

Proviso :
Officers to
give security.

Proviso as to
existing by-
laws.

34. The Directors shall have power to make such calls of money from the several shareholders for the time being upon the shares subscribed for in the Bank by them respectively, as they may find necessary, and in the corporate name of the Bank to sue for, recover and get in all such calls, or to cause and declare such shares to be forfeited to the Bank in case of non-payment of any such call; and an action may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the Bank, and is indebted to the Bank for a call or calls upon such share or shares, in the sum to which the call or calls amount, as the case may be, stating the amount and number of such calls, whereby an action hath accrued to the Bank to recover the same from such defendant by virtue of this Act; And it shall be sufficient to maintain such action, to prove by any one witness, (a shareholder being competent) that the defendant, at the time of making any such call, was a shareholder in the number of shares alleged, and to produce the by-law or resolution of the Directors making and prescribing such call, and to prove notice thereof, given in conformity with such by-law or resolution; and it shall not be necessary to prove the appointment of the Directors or any other matter whatsoever; provided that such calls shall be made at intervals of not less than thirty days, and upon notice to be given at least thirty days prior to the day on which such call shall be payable; and no such call shall exceed ten per cent. of each share subscribed.

Calls : and
how enforced
by action.

Proof in such
case.

Proviso as to
amount and
intervals of
calls.

35. Provided also, that if any shareholder or shareholders refuse or neglect to pay any or either of the instalments upon his, her, or their shares of the said Capital Stock at the time or times appointed by such call, as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the Bank of a sum of money equal to Ten per centum on the amount of such shares; and, moreover, it shall be lawful for the Directors of the Bank (without any previous formality other than thirty days' public notice of their intention), to sell at public auction the said shares, or so

Calls : and
how enforced
by forfeiture.

many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of forfeitures incurred upon the whole; and the President or Vice-President, Manager or Cashier, of the Bank shall execute the transfer to the purchaser of the shares of stock so sold; and such transfer being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors, or the Shareholders at a general meeting, from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the nonpayment of instalments as aforesaid, or to prevent the Bank from enforcing the payment of any call or calls by suit in lieu of forfeiting the same.

Proviso :
Forfeiture
may be re-
mitted.

Statement to
be laid before
annual gene-
ral meeting
by directors,
and what it
must shew.

36. At every annual meeting of the shareholders for the Election of Directors, the out-going Directors shall submit a clear and full statement of the affairs of the Bank, containing on the one part the amount of the capital stock paid in, the amount of notes of the Bank in circulation and net profits made, the balances due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest—and on the other part, the amount of the current coin, the gold and silver bullion, and the amount of Dominion Notes in the vaults of the Bank, the balances due to the Bank from other banks and institutions, the value of the real and other property of the Bank, and the amount of debts owing to the Bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages, and other securities,—thus exhibiting on the one hand the liabilities of, or the debts due by the Bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the last dividend declared by the Directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts due to the Bank, over due and not paid, with an estimate of the loss which will probably accrue thereon.

Directors may
inspect books,
&c.

37. The books, correspondence and funds of the Bank shall at all times be subject to the inspection of the Directors; but no shareholder not being a Director shall be allowed to inspect the account of any person dealing with the Bank.

Dividends and
notice thereof.

38. It shall be the duty of the Directors of the Bank to make half-yearly dividends of so much of the profits of the Bank as to the majority of them may seem advisable, and not inconsistent with the provisions of sections ten and eleven of this Act; and to give public notice of the payment of such dividends at least thirty days previously.

POWERS AND OBLIGATIONS OF THE BANK.

Loans, Interest, Advances on Warehouse Receipts, &c.

39. The Bank shall have the power to acquire and hold real and immovable estate for its actual use and occupation, and the management of its business, and to sell or dispose of the same, and other property to acquire in its stead, for the same purposes. Power to hold real estate for occupation.

40. The Bank shall not, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Bank, or of any goods, wares or merchandize, except as authorized in this Act; nor shall the Bank, either directly or indirectly, deal in the buying and selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as appertains to the business of banking. Business of the Bank defined.

41. The Bank may take, hold and dispose of mortgages and hypothèques upon personal as well as real property, by way of additional security for debts contracted to the Bank in the course of its business; and the rights, powers and privileges which the Bank is hereby declared to have or to have had in respect of real estate mortgaged to it, shall be held and possessed by it, in respect of any personal estate which may be mortgaged or hypothecated to it. Power to take mortgages as additional security.

42. The Bank may purchase any lands or real estate offered for sale under execution at the suit of the Bank, or exposed to sale by the Bank under a power of sale given to it for that purpose, in cases where, under similar circumstances, an individual could so purchase, without any restriction as to the value of the lands which it may so purchase, and may acquire a title thereto as any individual purchasing at Sheriff's sale or under a power of sale, in like circumstances, could do, and may take, have, hold and dispose of the same at pleasure. And to purchase lands mortgaged to it, if sold under execution, &c.

43. The Bank may acquire and hold an absolute title in or to land mortgaged to it as security for a debt due or owing to it, either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure in any Court of Chancery or of Equity, or by other means whereby, as between individuals, an equity of redemption can by law be barred, and may purchase and acquire any prior mortgage or charge on such land. And to obtain an absolute title, by release, &c. of equity of redemption; and purchase prior mortgage, &c.

44. Nothing in any Charter, Act or law shall be construed as ever having prevented or as preventing the Bank from acquiring May exercise power of sale, &c.

ing and holding an absolute title to and in any such mortgaged lands, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged.

Interpretation clause.

45. The words "goods, wares and merchandize" when used in the six next following sections of this Act, shall be held to comprise in addition to the things usually understood thereby, timber, boards, deals, staves and other lumber, and also all agricultural produce.

Bank may acquire and hold warehouse receipts, specifications, &c., as collateral security.

46. The Bank may acquire and hold any cove receipt or any receipt by a cove keeper, or by the keeper of any wharf, yard, harbor or other place, any bill of lading, any specification of timber, or any receipt given for cereal grains, goods, wares or merchandize stored or deposited, in any cove, wharf, yard, harbor, warehouse, mill, or other place in Canada, or shipped in any vessel or delivered to any carrier for carriage from any place whatever to any part of this Dominion, or through the same or on the waters bordering thereon, or from the same to any other place whatsoever, and whether such cereal grains are to be delivered upon such receipt in species or converted into flour,—as collateral security for the due payment of any bill of exchange or note discounted by such Bank in the regular course of its banking business, or for any debt which may become due to the Bank under any credit opened or liability incurred by the Bank for or on behalf of the holder or owner of such bill of lading, specification or receipt, or for any other debt to become due to the Bank;—and such bill of lading, specification or receipt, being so acquired, shall vest in the Bank from the date of the acquisition thereof, all the right and title of the last previous holder thereof, and if such holder be the agent of the owner, within the meaning of the fifty-ninth chapter of the Consolidated Statutes of the late Province of Canada, then all the right and title of the owner thereof, to or in such cereal grains, goods, wares or merchandize, subject to his right to have the same re-transferred to him, if such bill, note or debt be paid when due; and in the event of the non-payment of such bill or note or debt when due, such Bank may sell the said cereal grains, goods, wares or merchandize and retain the net proceeds, or so much thereof as will be equal to the amount due to the Bank upon such bill or debt or note, with interest and costs, returning the overplus, if any, to the person from whom such instrument was acquired by the Bank.

Lien of the Bank on the goods.

Bank may sell the goods in default of payment of the debt they are pledged for.

Conditions necessary to such lien and rights.

47. No transfer of any such bill of lading, specification of timber or receipt shall be made under this Act to secure the payment of any bill, note or debt, unless such bill, note or debt, be negotiated or contracted at the time of the acquisition thereof by the Bank, or upon the understanding that such bill of lading, specification of timber or receipt would be transferred to the Bank, but such bill,
note

note or debt may be renewed or the time for the payment thereof Proviso. extended, without affecting such security.

48. Where any person engaged in the calling of cove keeper, keeper of a wharf, yard, harbor or other place, warehouseman, miller, wharfinger, master of a vessel or carrier, curer and packer of pork, or dealer in wool, by whom a receipt or bill of lading may be given in such capacity, as hereinbefore mentioned, for cereal grains, goods, wares or merchandize, is at the same time the owner of or entitled himself (otherwise than in his capacity of warehouseman, miller, wharfinger, master of a vessel or carrier, cove keeper, keeper of a wharf, yard, harbor or other place, curer and packer of pork or dealer in wool,) to receive such cereal grains, goods, wares, or merchandize, any such receipt or bill of lading or any acknowledgment or certificate intended to answer the purpose of such receipt or bill of lading, made by such person, shall be as valid and effectual for the purposes of this Act as if the person making such receipt, acknowledgment or certificate or bill of lading, and the owner or person entitled to receive such cereal grains, goods, wares or merchandize were not one and the same person, and in the case of the curing and packing of pork, a receipt for hogs, shall apply to the pork made from such hogs.

When the warehouseman, &c., is himself the owner of the goods.

As to receipt for hogs.

49. All advances made on the security of any bill of lading, specification, receipt, acknowledgment or certificate, shall give and be held to give to the Bank making such advances a claim for the repayment of such advances on the grain, goods, wares or merchandize therein mentioned, prior to and by preference over the claim of any unpaid vendor, any law, usage, or custom to the contrary notwithstanding.

Lien prior to claim of unpaid vendor.

50. But no timber, boards, deals, staves or other lumber shall be held in pledge by the Bank for any period exceeding twelve calendar months, except by the consent in writing of the person pledging the same; and no sale of any timber, boards, deals, staves or other lumber, shall be made under this Act until, nor unless, notice of the time and place of such sale shall have been given by letter mailed in the post office to the last known address of the pledger thereof, at least thirty days prior to the sale thereof, and every such sale shall be made by public auction after notice thereof by advertisement, stating the time and place thereof, in at least two newspapers published in or nearest to the place where such sale is to be made, and in every issue of such newspapers during eight days, which newspapers shall be those whose issue is most frequent at or nearest the place where the sale is to be made, and if such place be in the Province of Quebec then at least one of such newspapers shall be a newspaper published in the English language, and at least one other of such newspapers shall be a newspaper published in the French language; and no cereal grains or goods, wares or merchandize, other than timber, boards, deals, staves and other lumber shall be held in pledge by the Bank for

Limitation of time for holding such goods in pledge, and conditions of sale.

for a period exceeding six months, (except by consent of the person pledging the same), and no sale thereof shall be made by the Bank under this Act until or unless notice has been given by letter mailed in the post office to the last known address of the pledger thereof at least ten days prior to such sale.

Notice to owner.

Lien of Bank on Stock of its Shareholders for overdue debts.

51. The Bank shall not make loans or grant discounts on the security of its own stock, but shall have a privileged lien for any overdue debt on the shares and unpaid dividends of the debtor thereof, and may decline to allow any transfer of the shares of such debtor until such debt is paid, and if such debt is not paid when due the Bank may sell such shares, after notice has been given to the holder thereof, of the intention on the part of the Bank to sell the same, by mailing such notice in the post office to the last known address of such holder, at least thirty days prior to such sale; and upon such sale being made, the President, Vice-President, Manager or Cashier shall execute a transfer of such shares to the purchaser thereof in the usual transfer book of the Bank, which transfer shall vest in such purchaser all the rights in or to such shares which were possessed by the holder thereof, with the same obligation of warranty on his part, as if he were the vendor thereof, but without any warranty from the Bank or by the officer of the Bank executing such transfer:

Sale in default of payment of such debt.

What Stock, &c., the Bank may hold as collateral security.

And nothing in this Act contained shall prevent the Bank from acquiring and holding as collateral security for any advance by or debt to the Bank, or for any credit or liability incurred by the Bank to or on behalf of any person (and either at the time of such advance by, or the contracting of such debt to the Bank, or the opening of such credit, or the incurring of such liability, by the Bank), the shares of the capital stock of any other Bank, the bonds or debentures of Municipal or other Corporations, or Dominion, Provincial, British, or Foreign public securities; and such stock, bonds, debentures, or securities, may, in case of default to pay the debt for securing which they were so acquired and held, be dealt with, sold, and conveyed, in like manner and subject to the same restrictions as are herein provided in respect of stock of the Bank on which it has acquired a lien under this Act.

Bank not liable to penalty for usury:—Rate of interest recoverable.

52. The Bank shall not be liable to incur any penalty or forfeiture for usury; and may stipulate for, take, reserve or exact any rate of interest or discount not exceeding seven per centum per annum, and may receive and take in advance any such rate, but no higher rate of interest shall be recoverable by the bank: Any rate of interest whatever may be allowed by the Bank upon money deposited with it.

Rates of premium chargeable on notes, &c., discounted elsewhere than where payable, but at some branch of the Bank,

53. The Bank may, in discounting at any of its places of business, branches, agencies or offices of discount and deposit, any note, bill, or other negotiable security or paper payable at any other of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive or retain in addition to the discount, any amount not exceeding the following rates per centum, according to the time it has to run, on the amount of such note

note, bill or other negotiable security or paper, to defray the expenses attending the collection thereof; that is to say: under thirty days, one eighth of one per cent.—thirty days or over, but under sixty days, one fourth of one per cent.—sixty days and over, but under ninety days, three eighths of one per cent.—ninety days and over, one half of one per cent.

54. The Bank may, in discounting any note, bill or other negotiable security or paper, *bond fide* payable at any place in Canada different from that at which it is discounted, and other than one of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive and retain in addition to the discount thereon, a sum not exceeding one half of one per centum on the amount thereof, to defray the expenses of agency and charges in collecting the same.

The same when payable elsewhere than at a branch of the Bank.

Bank Notes, Bonds, &c.

55. The bonds, obligations and bills obligatory or of credit of the Bank under its corporate seal and signed by the President or Vice-President and countersigned by a Cashier or Assistant cashier, which shall be made payable to any person or persons, shall be assignable by endorsement thereon; and bills or notes of the Bank signed by the President, Vice-president, Cashier or other officer appointed by the Directors of the Bank to sign the same, promising the payment of money to any person or persons, his, her, or their order, or to the bearer, though not under the corporate seal of the Bank, shall be binding and obligatory on it in like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; Provided always that nothing in this Act shall be held to debar the Directors of the Bank from authorizing or deputing from time to time any Cashier, Assistant-Cashier or officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or Local Director of any branch or office of discount and deposit of the Bank, to sign the bills of the Bank intended for general circulation, and payable to order or to bearer on demand.

Bonds, obligations, &c. of the Bank, by whom to be signed, &c. How assignable.

Proviso: Officer may be deputed to sign.

56. All bank notes and bills of the Bank whereon the name or names of any person or persons entrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose by or with the authority of the Bank, shall be and shall be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person or persons entrusted or authorized by the Bank to sign the same respectively, and shall be and be deemed and taken to be bank notes and bills within the meaning of all laws and statutes whatever, and shall and may be described as bank bills or notes in all indictments

Bank notes may be signed by machinery.

indictments and civil or criminal proceedings whatsoever, any law statute or usage to the contrary notwithstanding.

INSOLVENCY.

Suspension of payment for 90 days, to forfeit charter, except as to certain purposes. Assignee to be appointed.

57. Any suspension by the Bank of payment of any of its liabilities as they accrue, in specie or Dominion notes, shall, if it continues for ninety days, constitute the Bank insolvent and operate a forfeiture of its Charter, so far as regards the issue or reissue of notes and other Banking operations; and the Charter shall remain in force only for the purpose of enabling the Directors or the assignee or assignees, or other legal authority (if any be appointed in such manner as may by law be provided) to make the calls mentioned in the next following section of this Act and to wind up its business: And any such assignee or assignees or other legal authority shall, for such purposes, have all the powers of the Directors.

Liability of shareholders in case of insufficiency of assets to meet liabilities.

58. In the event of the property and assets of the Bank becoming insufficient to pay its debts and liabilities, the shareholders of the Bank shall be liable for the deficiency so far as that each shareholder shall be so liable to an amount (over and above any amount not paid up on their respective shares) equal to the amount of their shares respectively; and if any suspension of payment in full in specie or Dominion notes, of all or any of the notes or other liabilities of the Bank shall continue for six months, the Directors may and shall make calls on such shareholders, to the amount they may deem necessary to pay all the debts and liabilities of the Bank, without waiting for the collection of any debts due to it or the sale of any of its assets or property; such calls shall be made at intervals of thirty days and upon notice to be given thirty days at least prior to the day on which such call shall be payable; and any such call shall not exceed twenty per cent. on each share, and payment thereof may be enforced in like manner as for calls on unpaid stock, and the first of such calls shall be made within ten days after the expiration of the said six months; and any failure on the part of any shareholder liable to such call to pay the same when due, shall operate a forfeiture by such shareholder of all claim in or to any part of the assets of the Bank, such call and any further call thereafter being nevertheless recoverable from him as if no such forfeiture had been incurred. Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors hereinbefore mentioned and declared: Provided, also, that if the Bank be *en commandite* and the principal partners are personally liable, then, in case of any such suspension such liability shall at once accrue and may be enforced against such principal partners, without waiting for any sale or discussion of the property or assets of the Bank, or other preliminary proceedings whatever, and the provision respecting calls shall not apply to such Bank.

Calls on shareholders to meet such liability; forfeiture for non-payment.

Proviso as to Directors.

Proviso. If the bank be *en commandite*.

59. Persons who, having been shareholders in the Bank, have only transferred their shares or any of them to others or registered the transfer thereof within one month before the commencement of the suspension of payment by the Bank, shall be liable to calls on such shares under the next preceding section, as if they had not transferred them, saving their recourse against those to whom they were transferred; and any assignee or other officer or person appointed to wind up the affairs of the Bank, in case of its insolvency, shall have the powers of the Directors with respect to such calls. Provided that if the Bank be *en commandite*, the liability of the principal partners and of the *commanditaires* shall continue for such time after their ceasing to be such as may be provided in the Charter of the Bank, and the foregoing provisions with respect to the transfer of shares or calls shall not apply to such Bank.

Liability of shareholders who have transferred their stock within a limited time before suspension.

OFFENCES AND PENALTIES.

60. If any Cashier, Assistant Cashier, Manager, Clerk or Servant of the Bank secretes, embezzles or absconds with any Bond, Obligation, Bill obligatory or of credit or other Bill or Note, or any security for money, or any money or effects entrusted to him as such Cashier, Assistant Cashier, Manager, Clerk or Servant, whether the same belong to the said Bank or belong to any person or persons, body or bodies, politic or corporate, or institution or institutions and be lodged with the said Bank, the said Cashier, Assistant Cashier, Manager, Clerk or Servant so offending and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the Penitentiary for any term not less than two years, or by imprisonment in any Gaol or place of confinement for any term less than two years, in the discretion of the Court.

Embezzlement of bonds, &c., by officers of the Bank to be felony; and how punishable.

61. If any President, Vice-President, Director, Principal Partner *en commandite*, Manager, Cashier or other officer of the Bank wilfully gives or concurs in giving any creditor of the Bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor or by changing the nature of his claim or otherwise howsoever, he shall be guilty of misdemeanor, and shall further be responsible for all damages sustained by any party by such preference.

President, &c. giving undue preference to any creditor, to be guilty of misdemeanor.

62. The making of any wilfully false or deceptive statement in any account, statement, return, report or other document respecting the affairs of the Bank, shall, unless it amounts to a higher offence, be a misdemeanor, and any and every President, Vice-President, Director, Principal Partner *en commandite*, Auditor, Manager, Cashier, or other officer of the Bank preparing, signing, approving or concurring in such statement, return, report or document or using the same with intent to deceive or mislead any party, shall be held to have wilfully made such false statement, and shall

Making false statement in Returns, &c. to be misdemeanor, &c.

shall further be responsible for all damages sustained by such party in consequence thereof.

Directors refusing to make calls under section 58, guilty of misdemeanor.

63. Any Director refusing to make or enforce, or to concur in making or enforcing any call under the fifty-eighth Section of this Act, shall be deemed guilty of a misdemeanor and shall be personally responsible for any damages suffered by such default.

Giving false receipts by warehousemen, millers, &c. under this Act to be a misdemeanor.

64. If any Miller, Warehouseman, Master of a vessel, Forwarder, Carrier, Wharfinger, Keeper of a Cove, Yard, Harbor or other place for storing timber, deals, staves, boards or other lumber, curer or packer of pork, or dealer in wool, Factor, Agent or other person, or any clerk or person in his employ, knowingly and wilfully gives to any person any writing purporting to be a receipt for, or an acknowledgement of any cereal grain, timber, deals, staves, boards or other lumber, or other goods, wares, merchandize or property, as having been received in his Warehouse, Vessel, Cove, Wharf or other place, or in any such place about which he is employed, or as having been in any other manner received by him or the person in or about whose business he is employed, before the goods or property named in such receipt, acknowledgment or writing have been actually so received by or delivered to him or his employer, with the intent to mislead, deceive, injure or defraud any person or persons whomsoever, although such person or persons may be then to him unknown; or if any person knowingly and wilfully accepts or transmits or uses any such false receipt, acknowledgment or writing, the person giving and the person accepting, transmitting or using such false receipt, acknowledgment or writing, shall severally be guilty of a misdemeanor.

False statements in receipts, &c. under section 46, to be misdemeanor.

65. The wilfully making any false statement in any such receipt, acknowledgment or certificate as in the forty-sixth section of this Act mentioned, or the wilfully alienating or parting with, or not delivering to the holder or indorsee any cereal grain, goods, wares or merchandize mentioned in such receipt, acknowledgment or certificate, contrary to the undertaking therein expressed or implied, shall be a misdemeanor.

Offences by members of partnership.

66. If any offence in either of the two next preceding sections mentioned be committed by the doing of anything in the name of any firm, company or copartnership of persons, the person by whom such thing is actually done, and any person who connives at the doing thereof, shall be deemed guilty of the offence, and not any other person.

Punishment of misdemeanor under this Act.

67. Any person convicted of a misdemeanor under this Act shall, on conviction, be liable to be imprisoned in any gaol or place of confinement for any term not exceeding two years, in the discretion of the Court before which the conviction shall be had.

68. No private person or party, except a Chartered Bank, shall issue or re-issue, make, draw, or indorse, any bill, bond, note, check or other instrument, intended to circulate as money, or to be used as a substitute for money, for any amount whatever, under a penalty of four hundred dollars, to be recovered with costs, in any court having civil jurisdiction to the amount, by any party who will sue for the same; and one half of such sum shall belong to the party suing for the same, and the other half to Her Majesty, for the public uses of the Dominion :

Chartered Banks, only, to issue notes intended for circulation.

The intention to pass any such instrument as money, shall be presumed, if it be made for the payment of a less sum than twenty dollars, and be payable either in form or in fact to the bearer thereof, or at sight or on demand, or at less than thirty days thereafter, or be overdue, or be in any way calculated or designed for circulation, or as a substitute for money; unless such instrument be a check on some Chartered Bank, paid by the maker directly to his immediate creditor, or a promissory note, bill of exchange, bond or other undertaking, for the payment of money paid or delivered by the maker thereof to his immediate creditor, and be not designed to circulate as a substitute for money :

What shall be deemed such notes.

Provided always, that the Halifax Banking Company may, until the end of the year 1874, continue to re-issue their notes now in circulation, but the whole of such notes shall, as far as practicable, be called in and withdrawn by the end of the said year.

Proviso as to Halifax Banking Company

NOTICES.

69. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published at the place where the Head Office of the Bank is situate, and in the *Canada Gazette* or such other *Gazette* as shall be generally known and described as the *Official Gazette* for the publication of official documents and notices emanating from the Civil Government of this Dominion.

How notices under this Act shall be given.

FUTURE LEGISLATION.

70. The Bank shall be subject to such provisions of any general or special winding up Act to be passed by Parliament as may be declared to apply to Banks; and no special Act which Parliament may deem it right to pass for winding up the affairs of the Bank in case of its insolvency, shall be deemed an infringement of its rights or of the privileges conferred by its Charter.

Bank to be subject to any General Winding-up Act.

71. The Bank shall always be subject to any general provisions respecting Banks which Parliament may deem necessary for the public interest.

And to any General Bank Act.

SPECIAL.

SPECIAL PROVISIONS AS TO CERTAIN BANKS.

What sections shall apply to Bank of B. N. A.

72. The Bank of British North America, which, by the terms of its present Charter, is to be subject to the general laws of the Dominion, with respect to Banks and Banking, shall not issue or re-issue in Canada, any note for a less sum than four dollars, and any such note of the said Bank outstanding shall be called in and redeemed as soon as practicable: and the provisions contained in the ninth, twelfth, thirteenth, fourteenth, sixteenth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, sixtieth, sixty-first, sixty-second, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-ninth, and seventy-first sections of this Act, shall apply to the said Bank; those contained in the other sections shall not apply to it.

How existing Banks not in schedule may come under this Act.

73. This Act shall not apply to any now existing Bank not mentioned in the schedule thereunto annexed (except the Bank of British North America to the extent aforesaid and La Banque du Peuple to the extent hereinafter mentioned) unless the Directors of such Bank shall, by special resolution, apply to the Treasury Board, that the provisions of this Act may be extended to such Bank, nor unless the Treasury Board allows such application, and upon publication in the *Official Gazette* of such resolution, and of the minute of the Treasury Board thereon, allowing such application, such Bank shall come under the provisions of this Act.

Capital of Bank of Nova Scotia may be reduced.

74. In pursuance of the application made by the Bank of Nova Scotia in that behalf, it shall be lawful for the shareholders of the said Bank, at any special general meeting called for the purpose, and by a by-law to be passed thereat, to reduce the capital and shares of the said Bank by an amount not exceeding thirteen per cent. thereof respectively, and the shares and capital shall thereafter be reckoned at the amount to which they shall be so reduced.

What sections shall or shall not apply to La Banque du Peuple.

75. Sections Four, Thirty nine to Fifty four, both inclusive, Sixty, Sixty one and Sixty two, and Sixty four to Sixty eight, both inclusive, shall apply to *La Banque du Peuple* from and after the passing of this Act and all the other provisions of this Act (except those contained in sections One, Two, Three, Five, Six, Seven, Twenty seven, Twenty nine, Thirty, Thirty one, Thirty two, Thirty three, Thirty five, Thirty six, Thirty seven, Fifty seven, Fifty eight, Fifty nine, Sixty three, Seventy, Seventy two, Seventy three, and Seventy four, and so much of section Twenty eight, as is declared not to apply to Banks *en commandite*) shall apply from and after the first day of July next to *La Banque du Peuple*, provided that wherever the word "Directors" is used in any of the Sections which apply to the said Bank it shall be read and construed as meaning the principal partners or members of the Corporation of the said Bank; and so much of the Act incorporating the said Bank or of any Act amending or continuing it as may

be inconsistent with any section of this Act applying to the said Bank or which makes any provision in any matter provided for by the said sections other than such as is hereby made is hereby repealed.

REPEALING AND SAVING CLAUSES.

76. The Act passed in the thirty-third year of Her Majesty's ^{33 Vict., c. 11,} reign, chartered eleven, and intituled, *An Act respecting Banks and Banking*, is hereby repealed; and the Act passed in the thirty-first year of Her Majesty's Reign, and intituled, *An Act respecting Banks*, is hereby repealed in so far as respects Banks to which this Act applies, including the Bank of British North America, and La Banque du Peuple, and shall cease to apply to them after the passing of this Act, (or after they respectively come under its provisions, if they are now existing Banks and not mentioned in the Schedule), except as to rights theretofore acquired under or offences committed against it, but shall remain in force as regards other Banks until the end of the Session of Parliament commencing next after the first day of January, in the year of Our Lord one thousand eight hundred and seventy-two. ^{And 31 Vict., c. 21, as to certain Banks.}

77. Nothing in this Act contained shall affect any case pending when it shall come into force, but such case shall be decided as if this Act had not been passed. ^{Saving pending cases.}

SCHEDULE.

Banks whose Charters are continued by this Act.

The Bank of Montreal.
 The Quebec Bank.
 The City Bank.
 The Niagara District Bank.
 Molson's Bank.
 The Bank of Toronto.
 The Ontario Bank.
 The Eastern Townships Bank.
 La Banque Nationale.
 La Banque Jacques Cartier.
 The Merchants' Bank of Canada.
 The Royal Canadian Bank.
 The Union Bank of Lower Canada.
 The Canadian Bank of Commerce.
 The Mechanics' Bank.
 The Dominion Bank.
 The Merchants' Bank of Halifax.
 The Bank of Nova Scotia.
 The Bank of Yarmouth.

CAP. VI.

An Act to provide additional facilities for depositing Savings at interest with the security of the Government, and for the issue and redemption of Dominion Notes.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, it is expedient to increase the facilities now available for depositing savings at interest with the security of the Government for the due repayment thereof, and to make further provision for the issue and redemption of Dominion Notes; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Assistant Receivers General may be appointed at Halifax and St. John, N. B., and Agents under them. Their duties as regards Savings Banks in N. S. and N. B.

1. From and after the passing of this Act, the Governor may appoint at each of the Cities of Halifax and St. John, N. B., a proper person to be an Assistant to the Receiver General, and such Assistant Receivers General shall have the management of the head office of the Savings Banks to be established in the Provinces of Nova Scotia and New Brunswick respectively; and the Governor may establish Branch Savings Banks in any other places in the said Provinces, and may appoint proper persons as Agents for the management of such Branch Savings Banks; and such Assistant Receivers General and Agents respectively, shall, under such regulations as shall from time to time be made in that behalf by the Treasury Board, with the approval of the Governor in Council, receive deposits of money on account of the Receiver General, and repay the same with interest to the depositors as hereinafter provided; and the word "Agent" when hereinafter used, shall include the Assistant Receivers General, unless the context requires a more restricted meaning: Provided, always, that such of the Collectors of Customs in the Province of New Brunswick as, at the time of the coming into force of this Act, are authorized to receive deposits of money as savings, shall continue to receive the same, unless or until other Savings Bank Agents are appointed in their stead respectively, and shall be subject to all the provisions of this Act as such Agents; and any money received by such Collectors before the coming into force of this Act shall be dealt with as moneys received by them under this Act.

Proviso: as to Collectors now receiving deposits of Savings in N. B.

Deposits, how made, entered and proved.

2. Every deposit received by any such Agent as aforesaid, shall by him be entered at the time in a book to be kept by him for that purpose, and shall at the same time be entered by him in a pass-book to be furnished to the depositor; and the entry in such pass-book, attested by the signature or initials of the Agent who so receives the deposit, or of his deputy or clerk, shall be evidence of the depositor's claim to the repayment thereof, with interest thereon, upon demand made by him on such Agent or his successor in office, such demand being made at the place and during

ing the hours open for such business, subject to the provisions hereinafter mentioned, that is to say :—

Each Agent shall report to the Minister of Finance, at such times and in such form as may be prescribed by the Regulations to be made under this Act, all deposits received by him :—

Report to Minister of Finance.

At such times as may be prescribed by the Regulations to be made under this Act, but not at less intervals than the beginning of each calendar month, the officer appointed thereto by the Minister of Finance shall send by mail to each depositor, to the address given by him, a notice stating the sums deposited by him since the statement of the same kind then last sent him (if any) and the total amount then at his credit, and the amount mentioned in such notice, and no more, shall be that for which the Government shall be liable, up to the last deposit therein mentioned, unless the depositor, within thirty days after the receipt of such notice, notifies the Minister of Finance in such manner as may be prescribed by the Regulations then in force, that there is some error and what error, in the notice, in which case the true amount shall be ascertained, and the depositor notified accordingly,

Monthly or periodical report, and its effect, as to deposit accounts.

3. Every depositor, on making his or her first deposit, shall declare his or her name, residence, quality and occupation ; but the persons engaged in the receipt or payment of deposits, shall not disclose the name of any depositor, or the amount deposited or withdrawn, except to the Minister of Finance, the Receiver General, or such of their officers respectively as may be appointed to assist in carrying into operation the provisions of this Act.

Depositor to give his address, etc.

4. Every Agent appointed as aforesaid to receive deposits, shall, at such times as may be prescribed by the Regulations then in force, pay in to the account of the Receiver General, at such Bank as he may be directed, all the moneys received by him on deposit, and he shall pay all withdrawals in such manner as by the said Regulations may be prescribed ; and he shall also at such times as may be so prescribed, transmit to the Minister of Finance in such form as he shall be directed, a detailed account of the business of his office during the time that has elapsed since the transmission of his immediately preceding account.

Deposits to be paid into Bank, to credit of Receiver General ; Withdrawals how paid, etc.

5. The interest payable to the parties making such deposits, shall be at such rate, not less than of four per centum per annum, as the Governor in Council may from time to time appoint ; but such interest shall not be calculated on any amount less than one dollar or other than a dollar or the multiple of a dollar.

Interest on deposits.

6. On the thirtieth day of June in every year the interest accrued on deposits shall be added to and become part of the principal money.

Interest added yearly to principal

Deposits may be received from persons under age &c.

7. It shall be lawful for the Agents appointed to receive deposits as aforesaid, to receive deposits from any person or persons whomsoever, whatever be his, her, or their age, status or condition in life, and whether such person or persons be qualified by law to enter into ordinary contracts or not; and from time to time to pay any or all of the principal thereof, and the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance, or intervention of any person or persons, official or officials, being required, any law, usage, or custom to the contrary notwithstanding: Provided always, that if the person making any deposit, as aforesaid, could not under the law of the Province where the deposit is made, deposit and withdraw money in and from a Bank, then and in that case the total amount of deposits to be received from such person shall not exceed the sum of five hundred dollars.

Proviso: amount limited in such case.

Officers of Government not see to trusts.

8. No officer of the Government shall be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any deposit made under the authority of this Act may be subject; and the receipt of the person in whose name any such deposit stands, or, if it stand in the name of more persons than one, the receipt of one of the persons, shall be a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit, notwithstanding any trust to which such deposit may then be subject, and whether or not the Agent sought to be charged with such trust, (and with whom the deposit may have been made), or his successor, had notice thereof; and no Agent or any other officer of the Government shall be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Payments made *bona fide* on certain documents to be valid.

9. Any payment made in good faith to any person or persons appearing *prima facie*, by the production of a declaration in writing and documents in support thereof, made under the provisions of this Act, to be entitled to any interest or deposit, shall be valid and shall discharge the Agent with whom the deposit may have been made, and his successors and all who might otherwise have been liable, from all or any further claim by any person whomsoever for such interest or deposit.

Governor in Council may make Regulations for carrying out this Act.

10. The Governor in Council, shall have power to make, and from time to time, to add to, alter, or revoke, such Regulations as to him may seem meet, for prescribing the mode of keeping and examining, inspecting and checking, and reporting the accounts of depositors, and of withdrawing deposits and interest, and the issuing of deposit certificates; and also respecting the payment or transmission thereof in case of infancy, or of death, bankruptcy, marriage, or other change in the circumstances of any depositor, and for prescribing how and in what manner any such payment or transmission shall be made, and what declaration, documents or other evidence shall be necessary and sufficient in proof of the same, and also respecting the duties and powers of Inspectors,

Inspectors, appointed under the fourteenth section of this Act, and all other matters which the Governor in Council may deem incidental to the carrying of the provisions of this Act into effect: And all Regulations so made shall be binding on the parties interested in the subject matter thereof, to the same extent, and as fully to all intents and purposes, as if such Regulations formed part of this Act; and such Regulations, and all amendments thereof, shall be published in such way as the Governor in Council may direct, and copies thereof shall be laid before Parliament within fourteen days of its meeting next after the date of such Regulations; and any copy published as aforesaid shall be evidence thereof.

Their effect.
Regulations to be published and copies laid before Parliament.

11. Every Agent, officer, clerk or servant, employed under this Act, who may be entrusted with and have the custody of any moneys or valuable securities, shall, before entering upon his duties, give such security for the faithful discharge of the same, and for the due accounting for all such moneys, as shall be required of him by the *Treasury Board*; and shall also take an oath or affirmation before a Justice of the Peace, faithfully to perform his said duties; which oath or affirmation any Justice of the Peace is hereby authorized to administer, and which shall be in the following form or in words to the same effect:

Agents and officers to take an oath of office.

“ I, (A. B.,) of _____ being duly sworn, swear, The oath.
(or do solemnly affirm) that so long as I shall be employed in
“ assisting to carry out the provisions of the Act _____ Victoria
“ Cap. _____, I will perform faithfully and to the best of my
“ ability the duties that may be assigned to me.
“ And I have signed,
Sworn at _____ this _____ day of
18 _____, before me, A. B.,
Justice of the Peace for the (_____) of _____

12. If any Agent appointed to receive deposits as aforesaid, or any officer, clerk, or servant employed under the provisions of this Act, defaces, alters, erases, or in any manner or way whatsoever changes the effect of the books of account that may be kept under the provisions of this Act, or any entry in the said books of account, for any fraudulent purpose; or if any such Agent, officer, clerk, or servant secretes, appropriates, or embezzles any bond, obligation, bill or note, or any security for money, or any moneys or effects, entrusted to him, or in his custody, or to which he has obtained access as such Agent, officer, clerk, or servant, to whomsoever the said property may belong, the person so offending is guilty of felony, and on conviction thereof shall be liable to be punished by imprisonment for any term not less than two years in the Provincial Penitentiary, or by imprisonment in any other gaol or place of confinement for any time less than two years, in the discretion of the Court before whom he may be convicted; Provided always, that nothing herein contained, nor the conviction or punishment of the offender, shall prevent, lessen, or impair any remedy

Punishment of agents, &c., altering entries, embezzling money, &c.
Provido: other remedies not affected.

remedy which Her Majesty or the Receiver General or any other person or party may have against such offender or his sureties, or against any other person or party whatsoever.

Punishment of persons pretending falsely to be owners of deposits.

13. Any person who falsely pretends to be the owner of any deposit made under this Act, or of the interest upon such deposit, or of any part or portion of such deposit or interest, and, not being such owner, with intent to defraud, demands or claims from the Agent with whom such deposit has been made, or from any other party employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, is guilty of a misdemeanor and shall on conviction be punishable accordingly; Provided, that any offender against the provisions of this or the next preceding section, may be indicted and punished either under this Act or the Act respecting larceny and other similar offences, if his offence be one punishable under that Act, but he shall not be more than once punished for the same offence.

Proviso.

Inspectors of Savings Banks may be appointed. Their duties.

14. The Governor may appoint, and from time to time remove, an Inspector or Inspectors, to investigate and report upon the business which may arise in carrying out the provisions of this Act, to whom the Agents appointed to receive deposits and all others who may be employed under this Act shall be bound to afford all needful facilities for such inspection and investigation; and the duties and powers of such Inspectors shall be such as shall be assigned to them by the regulations to be made under the tenth section of this Act.

Savings Banks in Nova Scotia and New Brunswick to be subject to this Act.

15. From and after the passing of this Act, the Savings Banks established in the Province of New Brunswick under an Act passed by the Legislature of that Province in the tenth year of Her Majesty's reign, and intituled, "*An Act relating to Banks for Savings*," or under an Act passed by the said Legislature in the twenty-fourth year of Her Majesty's reign, and intituled, "*An Act relating to Savings Banks*," and the Savings Bank in the Province of Nova Scotia established under the Act chapter thirty-nine of the Revised Statutes of that Province, intituled, "*Of the Treasury Notes, the Savings Bank and Provincial Loan*," shall be subject to the provisions of this Act, in the same manner as if they had been first established as Savings Banks under and by virtue of this Act.

St. John's Savings Bank New Brunswick.

16. The St. John's Savings Bank (New Brunswick) established under Acts of the Legislature of that Province, shall be and shall be held to have been since the 1st of July, 1867, a Government Savings Bank, under the control of the Governor in Council, and the property, assets, and liabilities thereof to have been then transferred to and assumed by the Dominion, subject always to a proper allowance for any surplus or deficiency of such property and

and assets, as compared with such liabilities, in the settlement of the accounts between the Dominion and the said Province.

17. The capital represented by deposits in the Savings Banks in Nova Scotia and New Brunswick, in deposit accounts as to which there have been no deposits or withdrawals since 1st July, 1867, shall not be charged against those Provinces respectively as part of the debt with which they entered the Union, but all such accounts shall be transferred to a Suspense Ledger, and if hereafter any deposit or withdrawal be made in any such account, it shall be removed from the Suspense Ledger, and the capital represented by such account and the interest accrued since 1st July, 1867, shall be charged against Nova Scotia or New Brunswick, as the case may be.

As to deposits in N.B., and N.S. untouched since 1st July, 1867.

18. The Governor may if he shall deem it expedient, appoint an Assistant Receiver-General at the City of Toronto, and at the City of Montreal, or at either of them, or at any place in the Province of Manitoba, or in any other Province which may hereafter form part of the Dominion of Canada, and may establish a Savings Bank at either of the said Cities, or in any of the said Provinces, in like manner as he may under the provisions of the first section of this Act, at the City of Halifax or of St. John, N. B., and any such Assistant Receiver-General, and any such Savings Bank, if so established, shall be subject to the provisions of this Act, which shall extend and apply to them, as fully as to any Assistant Receiver-General or Savings Bank mentioned herein.

Assistant Receiver General may be appointed and Savings' Banks established in certain cities, &c.

19. Every Assistant Receiver General appointed under this Act shall be an Agent for the issue and redemption of Dominion Notes, and his office shall be a Branch Office of the Receiver General's Department, for that purpose, under the seventh section of the Act passed in the thirty-third year of Her Majesty's reign, and intituled "An Act to amend the Act 31 Victoria, chapter 46, and to regulate the issue of Dominion Notes," and every such Assistant Receiver General shall have the keeping of the Dominion Stock Books at the place for which he is appointed.

Assistant Receivers General to be Agents for issue and redemption of Dominion Notes.

20. The Governor in Council may authorize the issue and sale of Dominion Stock, bearing interest at the rate of five per centum per annum, on the credit of the Consolidated Revenue Fund of Canada, and may direct Stock Books, for the issue and transfer of such stock, to be opened and kept at such places as he may think proper; subject always, to the provisions made in the next following section for preventing any permanent increase of the Public Debt by the issue of such Stock, and to those of Section five of the Act 31 Victoria, Chapter 4.

Governor in Council may authorize a five per cent. Dominion Stock. Proviso.

21. Sections 73 and 75 of *The Post Office Act, 1867*, are hereby repealed; and if at the end of any month, by reason of the amount of deposits in the Savings Banks established under this Act, and in the Post Office Savings Bank, and the issue and sale

Section 73, 75 of Post Office Act repealed and new provision made in lieu thereof,

of the five per cent. Dominion Stock hereby authorized, or, by any of the said causes, the amount of the public debt authorized by Parliament be exceeded, it shall be the duty of the Auditor General to report such excess to the Treasury Board, who shall thereupon direct the Receiver General to purchase, to the extent of such excess, debentures of the late Dominion of Canada already issued, or debentures of the Province of Canada, or of either of the Provinces of Nova Scotia or New Brunswick, issued before the first day of July, 1867, and such debentures shall then be cancelled, or may be held in reserve until there is authority to re-issue them.

Payments of deposits, &c., out of Consolidated Fund.

Accounts to Parliament.

22. All moneys and interest paid to depositors, and all expenses incurred in maintaining the Savings Banks to be established under this Act, or under *The Post Office Act*, 1867, shall be paid out of the Consolidated Revenue Fund, and the moneys received under this Act shall form part of the said fund; and an account of the whole expenses incurred, of the amount of deposits received and paid, and of the total amount due at the close of the financial year, to all depositors, under the authority of this Act, or of *The Post Office Act*, 1867, shall be laid before both Houses of Parliament within ten days after the commencement of the next following Session thereof.

Monthly statements by Auditor General.

23. As soon as possible after the end of each month, the Auditor General shall prepare and insert in the *Canada Gazette* a statement of all moneys under this Act received in deposit or withdrawn during the preceding month, and of the total amount on deposit at the end of the month, and the rate of interest payable on the same.

All parties receiving Savings in deposit bound to make Returns, &c.

24. Every person, Corporation or Institution, except Chartered Banks, receiving money in small sums, on deposit at interest as savings, shall be bound to make such returns as to such deposits, and the investment thereof, as the Governor in Council may from time to time require, and to register with the Minister of Finance, and notify in such manner as the Governor in Council may direct, the name of the Institution, and that of the officer or person on whom process may be served in any suit or proceeding, and any wilful refusal or neglect to obey any such Order in Council shall be a misdemeanor.

CAP. VII.

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

[Assented to 14th April, 1871.]

Preamble.

WHEREAS it is expedient to repeal the Act first hereinafter mentioned, under which no Savings Bank has been established, and to amend the laws respecting certain Savings Banks in the

the Provinces of Ontario and Quebec, acting under temporary Acts, or Acts providing that such Banks shall be subject to the operation of any general law for the better regulation and management of Savings Banks in the said Provinces, and more especially to provide that the depositors in any such Savings Bank shall be secured by a certain amount of capital to be held by such Bank; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Act forming the fifty-sixth chapter of the Consolidated Statutes of Canada, intituled "An Act respecting Savings Banks," is hereby repealed. Con. Stat. Can., c. 56 repealed.

2. The Act of the Legislature of the late Province of Canada, passed in the Session held in the fourth and fifth years of Her Majesty's reign, and intituled, "An Act to encourage the establishment of, and to regulate Savings Banks in this Province;" and the Act of the said Legislature passed in the twenty-seventh year of Her Majesty's reign, intituled, "An Act to amend the Act of 1841, relating to Savings Banks," shall, as regards the Quebec Provident and Savings Bank, the Northumberland and Durham Savings Bank, and the Toronto Savings Bank, and in so far as the said Acts now apply to the said Institutions or any of them, remain in force and apply to the same Institutions respectively, until the end of the Session of Parliament commencing next after the first day of January, 1872, and no longer, subject always to the special provisions hereinafter made; and this Act shall also extend and apply to the City and District Savings Bank of Montreal, incorporated by the Act of the Legislature of the late Province of Canada, passed in the twenty-fifth year of Her Majesty's reign, and intituled "An Act to extend and define the powers of the City and District Savings Bank of Montreal,"—and to *la Caisse d'Economie de Notre Dame de Quebec*, incorporated by the Act of the said Legislature, passed in the Session held in the twenty-ninth and thirtieth years of Her Majesty's reign, and intituled "An Act to extend and define the powers of the Savings Bank known under the name of *la Caisse d'Economie de Notre Dame de Quebec*"—as to each of which Institutions it is provided by the said Act incorporating it, that it shall not be exempt from the operation of any general law thereafter to be enacted for the better regulation and management of Savings Banks,—and the said Institutions respectively shall be entitled to avail themselves of all the provisions of this Act; Provided always, that if the assets and liabilities of any one of the said Savings Banks, be under this Act transferred to Her Majesty, or to any existing Chartered Bank, or to any Savings Bank chartered under this Act, the rights and liabilities so transferred shall remain in force, and may be enforced by or against the party to whom they are so transferred; but all the provisions of the said Acts or of any of them, as to the organization of such Savings Banks, or in any wise inconsistent with this Act, shall cease to be in force from the time such transfer is completed; and provided also, that any offender against the

Acts 4 and 5
Vict. c. 32,
and
27 Vic., c. 6.

Continued for
a limited time.

Act to apply
to certain
other Savings
Banks.
25 V., c. 66.

29, 30 V.,
c. 130.

Proviso: in
case the assets
and liabilities
of any Savings
Bank are
transferred
under this
Act.

the said Acts, may be prosecuted, tried, convicted and punished, as if the said Acts had not expired.

Provision for such transfer. 3. At any time before the expiration of the Acts aforesaid, provision may be made for the transfer or continuance of the business of any of the said Savings Banks, in any one of the following ways, at the option of the Trustees or Managing Directors of the Bank, or a majority of them, that is to say:—

To Government. 1. The assets and liabilities of the Bank may be transferred to the Dominion Government; or

To any existing Bank. 2. They may be transferred to any chartered Bank, having its chief seat of business or a branch office at the place where the Savings Bank is established, and chartered before the present Session of Parliament; or

By charter. 3. The Governor General may grant a charter to the Savings Bank in the manner and on the conditions hereinafter mentioned.

If the transfer be to the Government. 4. 1. If the Trustees or Managing Directors of the Bank, or a majority thereof, resolve that it is expedient to transfer the assets and liabilities thereof to the Dominion Government, they shall communicate such resolution to the Governor, and shall furnish him with such returns and information with respect to the business and affairs of the Bank as he may think proper to require, and shall permit any person whom he may appoint for the purpose, to have free access to the books, papers, and other documents necessary for the purpose of verifying or extending such information, and if the Governor be satisfied that it is expedient to give effect to the said resolution, an Order in Council may be made for that purpose.

Transfer to vest assets and liabilities in H. M. for the Dominion. 2. Upon, from, and after a day to be fixed by the Order in Council, all the assets and property, estates and effects, real or personal, choses in action, claims, rights and credits of the Bank, and all the powers of the Bank, or of the Trustees or Managing Directors with respect to the same, shall be by virtue of such Order in Council transferred to and vested in Her Majesty for the Dominion of Canada and the purposes of this Act; and the Dominion shall be charged with all the debts and liabilities of the Bank; and any suit, action or proceeding by or against the Bank, pending at the time of such transfer, with respect to any right or liability so transferred to Her Majesty or charged upon the Dominion, may be continued and completed in Her Majesty's name upon suggestion of this Act and the said Order in Council.

Business may be continued, and how. 3. The business of the Bank may be continued at the same place, as a Branch Savings Bank, under the provisions of the Act of the present Session, intituled, "An Act to provide additional facilities for the deposit of savings at interest with the security of the Government, and for the issue and redemption of Dominion Notes,"

Notes," and under the management of an Assistant to the Receiver General.

4. If it can be ascertained by estimate to the satisfaction of the Governor in Council, by what amount the assets of the Bank exceed its liabilities, he may direct a like amount to be invested by the Receiver General in five per cent. Dominion Stock, and out of the interest thereof, if sufficient, a like sum shall be paid over to each of the several charitable institutions, among which the surplus profits of the Bank were distributed in the then last year, as each of them then received, or if the interest be insufficient to pay the like sum, then a proportionate part thereof shall be paid to each such institution,—and if there be a surplus after paying such like sum, then such surplus shall be paid over yearly to the Corporation of the Municipality in which the business of the Bank was carried on, to be distributed by such Corporation for charitable purposes; or if such estimate cannot be so satisfactorily made, or if the Governor in Council should deem it more expedient, he may direct that accounts be kept during five years, of the proceeds of such assets, and that the excess of the proceeds over the liabilities assumed by the Government, as calculated from such accounts, be invested as aforesaid, and the interest distributed yearly for charitable purposes, in the manner and proportions aforesaid.

Distribution of surplus assets over liabilities.

If the surplus cannot be ascertained &c.

5. 1. If the Trustees or Managing Directors of the Bank or a majority of them, resolve that it is expedient that the assets and liabilities thereof be transferred to a Chartered Bank, they may enter into an agreement with the Directors of such Chartered Bank for that purpose, as to the terms and conditions of such transfer, subject to the confirmation of such agreement by the Stockholders of the Chartered Bank, to a general meeting of whom the Directors shall submit such agreement accordingly, and if it is approved by the Stockholders at such meeting it shall be submitted to the Governor in Council for approval, and if approved, an Order in Council may be made confirming it, and it shall then have force and effect, as if embodied in and confirmed by this Act:

If the transfer be to a chartered Bank.

2. And at the time fixed for that purpose by such agreement, all the assets and property, estates and effects, real and personal, choses in action, claims, rights and credits of the Savings Bank party to such agreement, and all the powers of such Bank or of the Trustees or Managing Directors thereof with respect to the same, shall be by virtue of such agreement transferred to and vested in the Corporation of the Chartered Bank, party to such agreement, which shall be charged with all the debts and liabilities of the Savings Bank, and any suit or proceeding by or against the Savings Bank pending at the time of such transfer with respect to any right or liability so transferred, may be continued and completed in the name of the Chartered Bank upon suggestion of this Act and of the said agreement:

Transfer of assets and liabilities.

Distribution of surplus of assets over liabilities.

3. The value of the assets and property so transferred by a Savings Bank to a Chartered Bank, and the amount of its liabilities assumed by the Chartered Bank shall be ascertained and stated in the agreement (and the Governor may require such estimate to be verified in any way he may think proper) and the interest on any excess of the estimated value of such assets and property over that of such liabilities, shall be distributed yearly by the Chartered Bank among the several charitable institutions among which the surplus profits of the Savings Bank were distributed during the then last year, and in the like proportion.

If the Savings Banks is continued under a charter. Capital. Petition to the Governor.

6. If the Trustees or Managing Directors of the Savings Bank, or a majority of them, resolve that it is expedient that the business of the Bank be continued under a Charter, they shall determine the amount of Stock which they consider it expedient that the Bank should have, which shall not be less than \$200,000 nor more than \$2,000,000, and the shares into which it shall be divided, which shall not be less than \$400 each, and shall then communicate their said Resolution to the Governor by petition, praying that a Charter be granted incorporating them and such others as may be thereafter associated with them, to carry on the business of the Bank under this Act, and stating the amount of the stock and the shares into which it is divided, and any special provisions which they may desire with respect to those purposes for which it is hereby provided that provision may be made without prescribing what such provision shall be; and the Governor being satisfied that these requirements have been complied with, and that it is expedient that the Charter be granted, may grant

Stock book to be opened: ten per cent. to be paid down.

the same: The Trustees or Managers so incorporated, shall be Provisional Directors to open a Stock-Book, and to call the first general meeting of the Stockholders, and to do all such things as may be required preliminary to such meeting:—And they shall open such Stock-Book accordingly, and receive the signatures of such of their number and other persons as shall be willing to become Stockholders in the Bank, and whom the said Provisional Directors may think proper to accept as such; but no such subscriber shall be accepted or held to be made, unless the subscriber at the time of subscribing pays to the Provisional Directors for the Bank, ten per centum on the amount subscribed for, or such other percentage as will amount in the whole to a sum not less than one hundred thousand dollars, which shall be forthwith invested by the Provisional Directors in Dominion Stock, or other Dominion securities, or public securities of any of the Provinces of the Dominion, in trust for the Bank; and such payment and investment shall be certified to the Governor to his satisfaction; and when the whole stock shall have been subscribed for, and such percentage as aforesaid paid thereon, the Stock-Book shall be closed; and if the whole stock be not subscribed for within one month after the granting of the Charter, the Stock-Book shall be closed, and the amount then subscribed for and in part paid as aforesaid, not being less than \$200,000, shall be the Capital of the Bank, and when the Stock-Book is so closed the Provisional

If the whole stock be not subscribed—amount subscribed to be the capital but not less than \$200,000.

Directors

Directors shall call the first general meeting of the Stockholders for the election of Directors and other purposes, in the manner provided in the Charter;—

The Charter shall be granted for ten years; and shall make such provision on the following subjects as the petitioners may desire, and the Governor may deem expedient, that is to say :—

1. The name of the Bank, and the place at which its business is to be carried on : Duration and provisions of charter.
2. The calling and holding of the first general meeting of the stockholders for the election of Directors; the number of Directors, which shall not be less than five nor more than ten, and their general powers; the election of a President (and Vice-President if desired), the filling of vacancies in the office of Director occurring between the annual elections, the quorum of Directors and the mode of voting at their meetings, and who shall preside thereat, with or without a casting vote in case of equality of division; and the payment or non-payment of the President, Vice-President or other Directors : First General meeting for election of Directors.
3. The making, altering or repealing by the Stockholders at their general meetings, of by-laws, rules and regulations not being inconsistent with this Act or the Charter, for the management of the affairs of the Bank, including the mode of transferring and disposing of the stock and profits thereof, and any matter not provided for by this Act or by the Charter : By-laws.
4. The general yearly meetings and special general meetings of the stockholders, the powers thereof, and the proceedings thereat; General meetings.
5. The appointment of officers, and the security to be given by them :— Officers.
6. The making of dividends to the Stockholders on the profit of the Bank; but no dividend shall be made to impair the paid up Capital of the Bank; Dividends.
7. The inspection of the books, papers, and correspondence, as respects the right of the Directors and Stockholders respectively to make such inspection; Inspection of books, &c.
8. The limiting of loans to, or on the security of any Director of the Bank;— Loans to Directors.
9. The returns to be made by the Bank to the Government or to Parliament, including certified lists of the Stockholders, the periods at which they shall be made, and what they shall shew, the verification of such returns, and the right of the Governor to require further information if he deems it expedient;— Returns to Government.

Real estate.

10. The holding of real estate by the Bank for its own occupation and use, and the value of the real estate to be so held ;—

Other matters.

11. Such other matters and subjects not specially provided for in this Act, as may be deemed necessary for the management of the affairs and business of the Bank and of the nature of those usual in Bank Charters :

Effect of Charter.

12. And all provisions made in such Charter on any of the subjects and matters aforesaid, not being inconsistent with this Act or with the law of Canada, shall have force and effect as if herein enacted ; and the following provisions of this Act shall apply to such Bank without being inserted in its Charter.

Qualification of Directors.

7. The qualification of a Director shall be the holding of twenty-five shares of Stock, and the Directors shall be elected annually at a general meeting of the Shareholders, and shall be eligible for re-election : and each stockholder shall, on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least three months before the time of voting : Stockholders may vote by proxy, but no person but a stockholder shall vote or act as such proxy : And no Cashier, Bank Clerk or other officer of the Bank shall vote either in person or by proxy or hold a proxy for that purpose.

Votes.

Proxies.

Transfer of rights and liabilities to the New Chartered Bank.

8. So soon as the first general meeting of the Stockholders, for the election of Directors and other purposes, has been held and the Directors elected, all the assets and property, estates and effects, real or personal, *choses* in action, claims, rights and credits of the Savings Bank to be continued under such Charter, and all the powers of such Savings Bank or of the Trustees or Managing Directors thereof, with respect to the same, shall be, *ipso facto*, and by virtue of the said Charter and of this Act, transferred to and vested in the corporation of the chartered Bank and the Directors thereof, and such chartered Bank shall be charged with and liable for all the debts and liabilities of the Savings Bank ; and any suit or proceeding by or against the Savings Bank, or the Trustees or Managing Directors thereof, pending at the time of such transfer, with respect to any right or liability so transferred, may be continued and completed in the name of the chartered Bank, upon suggestion of this Act and the said Charter.

Calling in Stock, and obligations of Directors in that behalf.

9. The Directors of the chartered Bank may call up the stock subscribed for and remaining unpaid, by calls not exceeding five per cent. and at intervals of not less than three months, whenever it shall in their opinion be necessary or expedient to make such calls ; but it shall be their duty to call up five per cent. of the stock, or such other percentage thereof as will in the whole amount to not less than \$100,000, every twelve months after the first election of Directors, until twenty-five per cent. of the whole stock, or \$200,000 if the capital be not more than \$800,000, shall have been

been paid up, and all stock when paid up shall be invested in Dominion Stock, or other Dominion securities, or public securities of any of the Provinces of the Dominion: Provided that the limitation of the amount of any call, or of the intervals at which calls may be made, shall not apply to the case of deficiency of the funds of the Bank to meet the claims of depositors and other liabilities, which case is provided for in the eleventh section.

10. The amount of every such call if not paid when due, may be recovered with interest by the Directors in the name of the Bank, in any Court having jurisdiction to the amount; and in any action for the recovery thereof, it shall be sufficient to allege and prove the Charter, and that the calls were made under this Act, and that the defendant is the holder of a share or shares in respect of which the amount is due, without alleging or proving any other matter or thing whatever, and the evidence of any officer of the Bank, cognizant of any fact required to be proved, shall be sufficient proof thereof, and any copy of the Charter, purporting to be certified as a true copy thereof by the Secretary of State of Canada, shall be deemed authentic and shall be *prima facie* evidence of the Charter and of the contents thereof.

Recovery of calls by action.
Proof in such case.

11. The stockholders of the Bank shall, in the event of its funds in money and assets immediately convertible into money becoming insufficient to satisfy its debts and liabilities, be liable for the deficiency, so far as that each stockholder shall be liable to an amount equal to the amount (if any) not paid up of their shares respectively, and no more; and the Directors may and shall make calls on the unpaid-up Stock to the full amount not paid up, or to such less amount as they may deem necessary to pay all such claims and other liabilities, without waiting for the collection of any debts due to the Bank, or the sale of any of its assets or property; such calls shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which the call shall be payable; any such call shall not exceed twenty per cent. on each share, and payment thereof may be enforced in the manner hereinbefore provided as to calls on unpaid up stock; and the first of such calls shall be made within ten days after such deficiency as aforesaid shall be ascertained, and the failure on the part of any Stockholder liable to such call to pay the same when due, shall operate a forfeiture by such Stockholder of all claim in or to any part of the assets of the Bank, such call and any further call thereafter being nevertheless recoverable from him as if no such forfeiture had been incurred.

Liability of stockholders in case of deficiency of assets to meet claim s.

Calls in such case.

12. Persons who having been Shareholders in the Bank, have only transferred their shares or any of them to others or registered the transfer thereof, within one month before the commencement of the failure of the Bank to meet the claims of its depositors on demand, shall be liable to calls on such shares under the next preceding section, as if they had not transferred them, saving their recourse against those to whom they were transferred; and any

Liability after transfer of shares for a certain period.

Liability of Directors refusing to make such calls.

any Director refusing to make or enforce, or to concur in making or enforcing any such call, shall be deemed guilty of a misdemeanor and shall be personally responsible for any damages suffered by reason of such default; and any assignee or other officer or person appointed to wind up the affairs of the Bank, in case of its insolvency, shall have the powers of the Directors with respect to such calls.

Transfers of Stock.

13. The shares in the Bank shall be personal property, and transferable in the manner provided by the By-laws and regulations to be made as aforesaid; and the transferee shall have the rights and be subject to the liabilities of the original holder, but no share shall be divided, and if any shares be held by several persons jointly, one of them shall be appointed by the others to vote thereon, to receive dividends and to do all things that may require to be done in respect thereof, and his power to that effect shall be lodged with the Bank.

Bank may receive deposits and pay interest.

14. It shall be lawful for the Bank to receive deposits of money for the benefit of persons depositing the same, and to invest the same as hereinafter provided, and to accumulate the revenues and profits which shall be derived from the investment of so much thereof as shall not be required to meet ordinary demands by the depositors, and out of such accumulation to allow and pay to the depositors thereof such rate of interest on such deposits as shall from time to time be fixed by the Governor in Council, such rate not being less than four nor more than five per cent. per annum.

The rate to be fixed by Governor in Council.

Depositors to give name and address.

15. Every depositor, whether male or female, on making his or her first deposit in the said Bank, shall disclose and declare his or her name, residence, quality and occupation.

Deposits from minors and persons not otherwise able to enter into contracts.

16. It shall be lawful for the Bank to receive deposits from any person or persons whomsoever, whatever be his, her or their status or condition of life, and whether such person or persons be qualified by law to enter into ordinary contracts or not; and to pay any part of or all the principal thereof, and the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance or intervention of any person or persons, official or officials being required, any law, usage or custom to the contrary notwithstanding: Provided always, that if the person making any deposit in the Bank be not, by the existing laws of the Province where the Bank is established, authorized to do so, then the total amount of deposits made by such person shall not exceed the sum of two thousand dollars.

Investment of deposits to the amount of the subscribed Capital of the Bank.

17. It shall be lawful for the Bank to invest any moneys deposited therewith, to an amount not exceeding in any case its subscribed capital, in any stock or public securities of the Dominion, or of any of the Provinces of the Dominion, or in any Municipal Debentures, or in the manner provided in the two next following sections, and not otherwise, except only in the manner hereinafter

after provided as to deposits in excess of the amount of the capital of the Bank: Provided, that the Bank may continue to hold any stock of any now existing chartered Bank, held by it before it becomes chartered under this Act, and may sell and dispose of such stock. Proviso.

18. It shall also be lawful for the Bank to loan such moneys to the amount of its subscribed capital, and no more, upon the personal security of individuals, or to any corporate bodies, provided that collateral securities of the nature mentioned in the next preceding section, or British or Foreign Public securities, or stock of some chartered bank in Canada, or any stock in incorporated Building Societies, or in bonds or debentures or stock of any incorporated Institution or Company, be taken in addition to such personal or corporate security, with authority to sell such securities if the loan be not paid; but the Bank shall not make any loan directly or indirectly upon the security of real estate, or with any reference to the security of real estate, except that nothing herein contained shall prevent the Bank from taking security upon real estate in addition to such collateral securities, subsequently to the making of the loan, and subsidiary to the security originally taken therefor. The same.
What collateral security may be taken.

19. In the event of the Bank making any loan under the two next preceding sections, upon personal securities with collateral security, other than real property, for the repayment thereof, if the repayment is not made within thirty days after such loan becomes due or payable, the Bank may sell the same after notice shall have been given to the borrower or party depositing such collateral security, by addressing and mailing to the last known place of his residence, a letter containing such notice; and such sale may be so made, of whatever nature such collateral securities may be, whether consisting of stocks, bonds, debentures or negotiable paper; and the President or Vice-President, Manager, Cashier, or other Officer of the Bank, thereunto authorised by the Directors, may transfer and convey any security so sold to the purchaser, in whom the property in such security shall become vested by such conveyance or transfer, but without any warranty from the Bank, or from any officer thereof; and the Bank shall only be bound to account to the person or persons indebted to it in the amount of such loan, for the actual net proceeds of the sale of such collateral securities, after deduction of all costs and charges thereon; Provided always, that nothing herein contained shall prevent the Bank from collecting or realizing such debt, or any balance which may be due thereon, on such collateral securities, in any way that may have been agreed on with the borrower depositing the same, or in any other lawful way that the Directors may deem for the interest of the Bank. Enforcing payment of loans made by the Bank on collateral security.

20. The Bank may purchase any lands or real estate offered for sale under execution at the suit of the Bank, or exposed to sale by the Bank under a power of sale given to it for that purpose, in cases where, under similar circumstances, an individual could Proviso :
Other recourse not affected.
Bank may purchase land mortgaged to it, if sold under execution, &c.

could so purchase, without any restriction as to the value of the lands which it may so purchase, and may acquire a title thereto as any individual purchasing at Sheriff's sale or under a power of sale, in like circumstances, could do, and may take, have, hold and dispose of the same at pleasure,

And obtain an absolute title, by release, &c. of equity of redemption.

21. The Bank may acquire and hold an absolute title in or to land mortgaged to it as security for a debt due or owing to it either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure in any Court of Chancery or of Equity, or by other means whereby, as between individuals, an equity of redemption can by law be barred, or may purchase and acquire any prior mortgage or charge on such land.

May exercise power of sale, &c.

22. Nothing in any Act or law shall be construed as having prevented or as preventing the Bank from acquiring and holding an absolute title to and in any such mortgaged lands, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged.

Investments beyond the amount of subscribed capital, to be in Government securities. Stock may be issued for that purpose.

23. Beyond the amount of its subscribed capital stock, the Bank shall make no investment of moneys deposited therewith, except only in Debentures of the late Province of Canada, or Debentures secured by the Government of Canada, or Debentures of any of the Provinces constituting the Dominion of Canada, or in Dominion Stock bearing interest at a rate greater by one per cent. per annum, than that which at the time of such investment the Bank is directed by the Governor in Council to pay to depositors; and such Stock the Receiver General may issue to the Bank at par in sums not less than \$1,000, on payment by the Bank of the nominal amount of such stock, which shall not be transferable, but shall be issued and redeemed, and the interest paid thereon, in such manner, and at such times, on such notice, in such sums, and shall in all respects be subject to such regulations, as may from time to time be prescribed by the Treasury Board and approved by the Governor in Council, the interest on such stock while unredeemed being paid to the Bank.

Not to prevent deposit on call in a chartered Bank.

24. Nothing in the four next preceding sections shall prevent the Bank from depositing money in any of the chartered Banks carrying on the general business of banking in the same place, such money being so deposited on call, to be withdrawn at any time without notice, and whether with or without interest.

Excess of assets over par value, how to be dealt with.

25. Within three months after the election of Directors of any Savings Bank chartered under this Act, the Directors shall make out a statement of the affairs of the Bank, showing the value of its assets, (including any reserve fund), at par, and during two years from the date of such statement they may realize such assets at their market value, keeping an account of the proceeds thereof;

thereof; and during such two years they shall distribute yearly to charitable institutions the average amount per annum which the Trustees or Managing Directors of the Savings Bank for which such chartered Bank is substituted, so distributed during the three years next preceding the granting of the charter; and at the end of such two years the amount ascertained to have been realized for such assets (and such reserved fund) over and above their nominal value at par, shall be invested in Dominion Stock by the Directors, and the interest thereof shall be distributed yearly by the Directors among charitable institutions.

26. No failure to elect Directors of any such Chartered Savings Bank shall operate any dissolution of the Corporation; but in case of such failure to elect, the required election shall be made as soon thereafter as may be, at a special meeting of the Stockholders, which the Directors are hereby authorized to call for that purpose; and until such subsequent election shall be made, the official acts of the Directors holding office shall be valid.

Failure to elect Directors how remedied.

27. Any Director of any such Bank who shall become openly and notoriously insolvent, or shall have assigned his estate and effects for the benefit of his creditors, or shall absent himself without the consent of the Board for twelve consecutive months from the meetings of the Directors, or shall have been convicted of any felony, shall thereupon, *ipso facto*, cease to be a Director, and the vacancy so created shall forthwith be filled up in the manner provided by the Charter.

Director becoming insolvent.

28. If the interest in any deposit or share in any such Bank becomes transmitted in consequence of the death or bankruptcy of any depositor or shareholder, or in consequence of the marriage of a female depositor or shareholder, or by any other lawful means than by a transfer upon the books of the Bank, or by deed signified upon the Bank, such transmission shall be authenticated by a declaration in writing, which declaration shall distinctly state the manner in which and the party to whom such deposit shall have been transmitted, and shall be, by such party, made and signed; and every such declaration shall be, by the party making and signing the same, sworn to before a Judge or Justice of a Court of Record or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and sworn to, shall be left with the manager or other officer or agent of the Bank, who shall thereupon enter the name of the party so entitled to the same under such transmission, in the Books of the Bank, as proprietor of such deposit or share; and until such transmission shall have been so authenticated, no party or person claiming, by virtue of any such transmission, shall be entitled to receive such deposit or share or any part thereof or of any interest or dividend thereon; Provided always that every such declaration

Transmission of Shares or deposit otherwise than by regular transfer, how proved.

Proviso : as to declaration made in a foreign country.

tion and instrument as by this and the following section of this Act is required to perfect the transmission of a deposit or share in the Bank, which shall be made in any other country than this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited representative; And provided also, that nothing in this Act contained, shall be held to debar the Directors, Manager or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration; and that if payment be made to any depositor of any deposit or of any interest thereon, or of any dividend on any share after transmission thereof by any of the means mentioned in this section, but before such declaration is made and authenticated as aforesaid, such payment shall be valid and shall discharge the said Bank.

Proviso : Bank may require further proof.

Transmission by marriage or by decease.

29. If the transmission of any deposit or share be by virtue of the marriage of a female depositor, the declaration shall be accompanied by a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such deposit or share; and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, or by the vacancy of the estate of a deceased depositor or shareholder, the probate of the will, or, if it be notarial, an authentic copy thereof or the letters of administration or act of tutorship, or curatorship, or authentic certificates of birth, as the case may be, shall, together with such declaration, be produced and left with the Manager or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the books of the Bank.

Bank not bound to see to trusts.

30. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any of the deposits or shares therein may be subject; and the receipt of the party in whose name any such deposit or share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties, shall be a sufficient discharge to the Bank for such deposit or share, interest or dividend thereon, or for any other sum of money payable in respect of such deposit or share, unless express notice to the contrary has been given to the Bank, or such deposit be made upon express conditions as to the person or persons to whom such deposit shall be paid, in which case such deposit shall be governed by such conditions; the whole notwithstanding any trust to which such deposit may then be subject, and whether or not the said Bank have had notice of such trust; and the said Bank shall not be bound to see to the application of the money paid on such receipt, whether given by one of such parties or all of them.

If the stock stands in the names of more than one person.

31. Any payment of interest or dividend, or of the whole or any part of any deposit, made in good faith to any person or persons appearing *prima facie* to be entitled to such interest, dividend, or deposit, by the production of a declaration in writing, and of the documents in support thereof hereinbefore mentioned, shall be valid; and the discharge of such person or persons shall be sufficient, and shall discharge the Bank from all or any further claim by any person whomsoever for such interest, dividend or deposit.

Payments made in good faith on certain documents to be valid.

32. If any officer, clerk, or servant employed under the provisions of this Act, defaces, alters, erases, or in any manner or way whatsoever changes the effect of the books of account that may be kept under the provisions of this Act, or any entry in the said books of account, for any fraudulent purpose; or if any such officer, clerk, or servant secretes, appropriates, or embezzles any bond, obligation, bill or note, or any security for money, or any money or effects, entrusted to him, or in his custody, or to which he has obtained access as such agent, officer, clerk or servant, to whomsoever the said property may belong, the person so offending is guilty of felony, and on conviction thereof shall be liable to be punished by imprisonment for any term not less than two years in the Provincial Penitentiary, or by imprisonment in any other gaol or place of confinement, for any time less than two years, in the discretion of the Court before whom he may be convicted; Provided always, that nothing herein contained, nor the conviction or punishment of the offender, shall prevent, lessen, or impair any remedy which Her Majesty, or the Receiver General, or any other person or party would otherwise have against any other person or party whatsoever.

Punishment of officers fraudulently altering books &c., or embezzling money of the Bank.

Proviso.

33. Any person who falsely pretends to be the owner of any deposit made under this Act, or of the interest upon such deposit, or of any part or portion of such deposit or interest, and not being such owner, with intent to defraud, demands or claims from the Bank with which such deposit has been made, or from any party employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, is guilty of a misdemeanor, and shall on conviction be punishable accordingly; Provided, that any offender against the provisions of this or the next preceding section, may be indicted and punished either under this Act or the Act respecting larceny and other similar offences, if his offence be one punishable under that Act, but he shall not be more than once punished for the same offence.

Punishment for falsely pretending to own deposits.

Proviso.

34. The making of any wilfully false or deceptive statement in any account, return, report, or other document respecting the affairs of the Bank, shall, unless it amounts to a higher offence, be a misdemeanor; and any President, Vice-President, Director, Auditor, Cashier, or other officer of the Bank, preparing, signing, approving

Punishment for making false statements in any account or other document.

approving or concurring in such statement, return, report or document, or using the same with intent to deceive or mislead any party, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such party in consequence thereof.

Savings Bank not to issue Bank notes. **35.** No Savings Bank chartered under this Act shall issue any Bank note, or note intended to circulate as money or as a substitute for money, or be deemed a Bank within the meaning of the Act respecting Banks and Banking.

To be subject to any general Act. **36.** This Act shall be subject to any general provisions which Parliament may deem it advisable to make for protecting the interest of depositors in any Savings Bank or of the public; and to those of any general winding up Act which may be declared to apply to Savings Banks acting under this Act; and no such provision, or any provision that may be made for carrying out the true intent and objects of this Act shall be deemed an infringement of the privileges of any Savings Bank or Bank acting as such under this Act

Lists of shareholders in Landed Credit Companies to be laid before Parliament yearly. **37.** Certified Lists of the shareholders of Landed Credit Companies, with their additions and residences, the number of shares they respectively hold and the amount paid thereon, shall be laid before Parliament every year within fifteen days of the opening of the session.

C A P. V I I I.

An Act to amend the Act thirty-third Victoria, chapter forty, respecting the settlement of the affairs of the Bank of Upper Canada.

[Assented to 14th April, 1871.]

Preamble. 33 V., c. 40. **I**N amendment of the Act passed in the thirty-third year of Her Majesty's Reign, chaptered forty, and intituled, "An Act to vest in Her Majesty, for the purposes therein mentioned, the property and powers now vested in the Trustees of the Bank of Upper Canada;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

\$250,000 may be applied to pay off claims on Bank of U. C. on certain conditions. **1.** A sum not exceeding two hundred and fifty thousand dollars, out of any unappropriated money forming part of the Consolidated Revenue Fund of Canada, is hereby placed at the disposal of the Governor in Council, for the purpose of paying off any claims on the Bank of Upper Canada settled and adjusted under the fourth section of the Act herein above cited, any such payment being made on the certificate of the Treasury Board, that there

there is ample security for the re-imbusement out of the assets of the Bank of the sum so paid for any such claim.

2. 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. Accounting clause.

CAP. IX.

An Act to amend the Act respecting Insurance Companies.

[Assented to 14th April, 1871.]

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 and the Act hereby amended, the expression "Canadian Policy," or "Policies in Canada," means all policies issued by any Company licenced to transact the business of Insurance in Canada, in favour of any person or party resident in Canada at the time when such policies were issued, and also as regards Fire Insurance, any policy of Insurance on any property in Canada. Interpretation clause.

2. The seventh section of the Act respecting Insurance Companies, passed in the thirty-first year of Her Majesty's reign, and chaptered forty-eight, is hereby repealed, and the following section is substituted therefor, and shall hereafter be read as the seventh section of the said Act:— New section substituted for Section 7 of 31 Vict., c. 48.

"7. All such deposits may be made by any Company in securities of the Dominion of Canada, or in securities issued by any of the Provinces in the Dominion of Canada, and by any Company incorporated in Great Britain, in securities of the United Kingdom, and by any Company incorporated in the United States, in securities of the United States; and the value of such securities shall be estimated at their market value at the time when they are so deposited; if any securities other than those above named are offered as a deposit, they may be accepted, at such valuation and on such conditions as the Treasury Board may direct; and if the market value of any of the securities which have been deposited by any Company shall decline below that at which they were deposited, the Treasury Board may call upon the Company to make a further deposit, so that the market value of all the securities deposited by any Company shall be equal to the amount which they are required to deposit by this Act." In what securities Companies may make deposits.

And

How estimated. Securities to be in lieu of deposit in money whenever mentioned in the said Act.

And wherever it is provided in the aforesaid Act that a Company shall deposit any amount in money with the Receiver General, it shall be held to imply that the Company shall deposit securities with the Receiver General equivalent in value to such amount: and wherever it is provided that the Receiver General shall invest in Dominion Stock the interest accrued on any securities deposited by a Company, it shall be held to imply that he shall pay such interest to the Company upon its depositing with him securities of equivalent value.

As to stock in which money deposited has been invested.

3. If any Company shall have made a deposit in cash, as provided by the seventh section of the Act 31 Victoria, chapter 48, and such deposit has been invested in trust for the Company in Dominion Stock at par, such Stock shall for the purposes of the next preceding section be reckoned at par; and if such Company shall thereafter withdraw from business in Canada, or become insolvent, the amount so invested in Dominion Stock shall be repaid to the Company, or applied in liquidation of the claims against it, at par.

Provisions in case of Company becoming insolvent. Assignee to be appointed.

4. Upon the insolvency of any company, the court having jurisdiction in the Province (or sitting in the District if such Province be the Province of Quebec), where the chief agency in Canada of such company is situated, shall appoint an Assignee or Assignees, who shall forthwith call upon the Company to furnish a statement of all its outstanding policies in Canada, and upon all policy holders to file their claims; and upon the filing of the claims before the Assignees, the parties interested shall have the same right of contestation, and the Assignees shall have the same powers in respect thereof, subject to the same right of appealing from their decision to the same tribunals, as is provided for in similar cases by the Insolvent Act of 1869; and in case of any Fire Insurance Company becoming insolvent, the parties insured shall be entitled to claim for a part of the premium paid proportionate to the unexpired period of their policies respectively, and such return premium shall rank with judgments obtained and claims accrued, in the distribution of the assets; and in the case of a Life Insurance Company the Assignee or Assignees may insure all outstanding Canadian policies with some Company licenced to transact business in Canada, advertising for tenders to that effect; and if the amount of the deposit be not enough so to re-insure all policies to the full amount, and to meet all judgments against the Company, and claims accrued, the Assignees may insure them for such a percentage of the risks as the amount at their disposal may admit of, such re-insurance ranking *pro rata* with judgments and claims accrued; and the court having jurisdiction, as above provided, may order a sufficient amount of the securities to be sold to meet such re-insurance. If the Assignees are unable to re-insure in full or in part all outstanding Canadian policies as a whole, they shall appoint a competent Actuary, and shall ascertain the re-insurance value of each policy according to the tables which on the report of the Treasury Board may be sanctioned by the

Claims of policy holders of Fire Companies,

Of Life Insurance Companies. Re-insurance.

If the assignee cannot re-insure claims as a whole.

Governor

Governor in Council for that purpose; and upon the completion of the schedule to be prepared by the Assignees, of all judgments against the Company and of all claims for re-insurance or for surrender of the policy as aforesaid, the court having jurisdiction, as above provided, shall cause the securities held by the Receiver General for such Company, or any part of them, to be sold in such manner and after such notice and formalities as the court may appoint, and the proceeds thereof, after paying the expenses incurred, shall be distributed *pro rata* amongst the claimants according to such schedule, and the balance, if any, shall be surrendered to the Company. But if any loss shall be sustained or any claim shall arise after the statement of outstanding policies has been obtained from the Company, as hereinbefore provided, and before the final order of the Court for the distribution of the proceeds of the securities, or if the proceeds of the securities shall not be sufficient to cover in full all claims recorded in the schedule, the policy holders shall not be barred from any recourse they may have either in law or equity against the Company issuing the policy, other than that for a share in the distribution of the proceeds of the securities held for such Company by the Receiver-General.

Distribution of assets.

Losses sustained after statement of outstanding policies.

5. When any Company has ceased to transact business in Canada and has given the notice required by this Act to that effect, before its securities can be given up to it, it must insure on behalf of its Canadian policy holders, all outstanding risks in some Company or Companies licenced in Canada, or obtain the surrender of the policies. Upon making application for its securities, the Company must file with the Minister of Finance a list of all Canadian policy holders who have not been so insured or have not surrendered their policies, and it must at the same time publish in the *Canada Gazette* a notice that it has applied to Government for the release of its securities on a certain day, not less than thirty days after the date of the notice, and calling upon its Canadian policy holders opposing such release to file their opposition with the Minister of Finance on or before the day so named; and after that day, if the Treasury Board is satisfied that the Company has ample assets to meet its liabilities, all the securities may be released to it by an Order of the Governor in Council, or a sufficient amount of them may be retained to cover the value of all risks respecting which opposition has been filed, and the remainder may be released, and thereafter, from time to time, as such opposing risks may lapse or proof may be adduced that they have been satisfied, further releases may be made on the authority aforesaid; and after a Company has ceased to transact business in Canada after the notice hereby required, and its licence has in consequence been withdrawn, such Company may nevertheless continue to receive the premiums coming due on policies not re-insured or surrendered, and may pay the losses arising thereon, as if such licence had not been withdrawn.

Provisions when a Company ceases business in Canada.

Release of all or part of its deposited securities.

Commence-
ment and
application
of Act.

6. This Act shall come into force on the 1st day of July in the present year 1871; and the provisions of this Act shall apply to all Insurance Companies which may have become insolvent within the twelve months prior to the date of the passing of this Act.

CAP. X.

An Act to amend the Acts relating to Duties of Customs.

[Assented to 14th April, 1871.]

Preamble.

IN amendment of the Acts relating to Duties of Customs, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The 5 per cent. added to duties by Sec. 11 of 33 V. C. 9 repealed from 16th March, 1871.

1. The eleventh section of the Act passed in the thirty-third year of Her Majesty's reign, intituled, "An Act to amend the Acts respecting Customs and Inland Revenue, and to make certain provisions respecting Vessels navigating the Inland Waters of Canada above Montreal," is hereby repealed, and such repeal shall be held to have taken effect on and after the sixteenth day of March in the present year, 1871.

Duties on certain articles repealed from 1st April, 1871.

2. So much of the said Act as imposes any duty of Customs on any of the following articles, namely—Coal, Coke, Wheat, Flour, Salt, Peas and Beans, Barley, Rye, Oats, Indian Corn, Buckwheat, and all other grain, Indian Meal, Oatmeal, and Flour or Meal of any other grain, is hereby repealed, and the said articles may be imported into Canada, or taken out of warehouse for consumption therein, without payment of any duty of Customs thereon; and such repeal shall be held to have taken effect on and after the first day of April in the present year, 1871.

Materials used in Canadian manufactures may be transferred to Free list.

3. The Governor in Council may, from time to time, transfer to the list of goods which may be imported into Canada free of duty, any or all articles, (whether natural products or products of manufactures,) used as materials in Canadian manufactures; and any such materials mentioned in any Order in Council in that behalf, shall be free of Duties of Customs from the time therein appointed for that purpose.

Certain machinery may be admitted free.

4. The Governor in Council may authorize the admission, free of duty, of any machinery to be used in any Canadian manufactory, on satisfactory evidence that like machinery is not then manufactured in Canada.

5. The same duties of Customs which, under the twenty-seventh section of the Act passed in the thirty-third year of Her Majesty's Reign, intituled, "An Act to amend and continue the Act 32 and 33 Victoria, Chapter 3, and to establish and provide for the Government of the Province of Manitoba," are chargeable in the Province of Manitoba, shall be chargeable on goods imported into any part of the North Western Territory.

Duties in North-Western Territory to be the same as in Manitoba.

6. This Act shall be construed as forming one Act with the other Acts relating to Duties of Customs, and all words and expressions therein shall have the same meaning as in the said Acts.

Interpretation.

CAP. XI.

An Act for the prevention of corrupt practices in relation to the Collection of the Revenue.

[Assented to 14th April, 1871.]

WHEREAS it is expedient to make more stringent enactments in relation to the criminal liability of public officers and other persons guilty of corrupt practices in relation to the Collection and Management of the Revenue; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Section forty-five of the Act passed in the thirty-first year of Her Majesty's reign, chapter five, intituled "An Act respecting the Collection and Management of the Revenue, the auditing of Public Accounts, and the liability of Public Accountants," is repealed, and the Act cited shall from the date of the passing of this Act be construed as if the sections hereinafter contained formed part thereof, and all the provisions of the said Act shall apply to this Act, which shall be read and construed hereafter as forming but one and the same Act therewith.

Sect. 45 of 31 V., c. 5, repealed. How that Act and this shall be construed.

2. Any officer, or any person acting in any office or employment, connected with the collection or management of the revenue who—

Punishment of officers &c., of the Revenue receiving bribes, &c., &c.

1. Shall receive any compensation or reward for the performance of any official duty, except as by law prescribed; or

2. Shall conspire or collude with any other person to defraud the Crown, or shall make opportunity for any person to defraud the Crown; or

3. Shall designedly permit any violation of the law by any other person; or

4. Shall wilfully make or sign any false entry in any book, or wilfully make or sign any false certificate or return in any case, in which he is by law or regulation required to make any entry, certificate or return ; or

5. Having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the Crown, under any revenue law of Canada, shall fail to report, in writing, such knowledge or information to his next superior officer ; or

6. Shall demand or accept, or attempt to collect, directly or indirectly, as payment, or gift, or otherwise, any sum of money, or other thing of value, for the compromise, adjustment, or settlement of any charge or complaint for any violation, or alleged violation of law, except as expressly authorized by law, or by the authority of the Department of which he is an officer, to do,—

Dismissal,
fine, and im-
prisonment.

Shall be dismissed from office, and shall be held to be guilty of a misdemeanor, and shall, on conviction, be liable to a fine not exceeding five hundred dollars, and to imprisonment for any term not exceeding one year.

Punishment
of persons
offering such
bribes, &c.

3. If any person, directly or indirectly, promises, offers, or gives, or causes or procures to be promised, offered, or given, any money, goods, right in action, bribe, present, or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever, to any officer, or any person acting in any office or employment connected with the collection or management of the revenue, with intent—

1. To influence his decision or action on any question or matter which may then be pending, or may by law be brought before him in his official capacity ; or

2. To influence such officer or person to commit, or aid or abet in committing any fraud on the revenue, or to connive at, collude in, or allow or permit any opportunity for the commission of any such fraud,—

Or Officers
receiving the
same.

Such person, and any officer or person, who shall in anywise accept or receive any such moneys, goods, right in action, bribe, present, or reward, or any promise, contract, undertaking, obligation, or security for the payment or delivery thereof, or any other valuable thing whatever, or any part of the same respectively, shall be guilty of misdemeanor, and be liable, on conviction, to a fine not exceeding three times the amount so offered or accepted, and to imprisonment for any term not exceeding one year ; and any officer or person convicted under this section shall forfeit his office or place ; and any person convicted under this section shall

Fine, im-
prisonment,
dismissal, and
disqualifica-
tion.

be for ever disqualified to hold any office of trust, honor or profit, under the Crown.

4. Any officer, or any person acting in any office or employment connected with the collection of the revenue, who becomes, directly or indirectly, interested in the manufacture or production of any article subject to Excise, or who trades in any article subject to Excise duties, shall incur a penalty not exceeding five hundred dollars nor less than fifty dollars, which shall be recoverable in any Court having jurisdiction in civil cases, to the amount thereof; and any such officer or person interested in any such manufacture at the time this Act takes effect, who fails to divest himself of such interest within sixty days thereafter, shall be held to have become so interested after this Act takes effect.

Penalty on officers becoming concerned in manufacture, &c., of articles, subject to excise.

CAP. XII.

An Act to make provision for validating certain Premium Notes taken or held by Mutual Fire Insurance Companies.

[Assented to 14th April, 1871.]

WHEREAS certain promissory notes given for premiums of insurance by members of Mutual Fire Insurance Companies, which may require to be stamped, have not been stamped, and it is expedient to make provision for relief in the premises; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Preamble.

1. Promissory Notes for the sum of twenty-five dollars or other certain sum of money in excess of twenty-five dollars, made and given since the passing of the Act of the Dominion of Canada, imposing duties on Promissory Notes and Bills of Exchange, or hereafter to be made and given for Premiums of Insurance by any Member of a Mutual Fire Insurance Company to any such Company or to some officer thereof, for a Premium or Premiums of Insurance, which have not been stamped, and which require to be stamped under the said Act, may be rendered valid to all intents and purposes, if the President, Vice-President Manager or Secretary of such Company shall, within three months after the passing of this Act, pay double duty on such notes by affixing to the same a stamp or stamps to the amount of such double duty, and by writing on the stamp or stamps his signature or some part thereof, or his initials or the proper date of such stamp or stamps, in the manner and for the purpose mentioned in the fourth section of the said Act.

Notes given for premium may be made valid by payment of double duty within three months.

2. This Act shall not apply to any suit pending at the time of the passing thereof.

Pendingsuits.

CAP. XIII.

An Act respecting the force and effect of the Acts of the Parliament of Canada, in and in relation to the Province of Manitoba, and the Colony of British Columbia when it becomes a Province of the Dominion.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, it is expedient to make certain provisions respecting the force and effect of the Acts of the Parliament of Canada, in and in relation to the Province of Manitoba, and the Colony of British Columbia when it becomes a Province in 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:—

MANITOBA.

What Acts of the first three Sessions of the Parliament of Canada shall be in force in Manitoba.

1. Subject to the exceptions and limitations in the following sections of this Act, or in the Schedule hereunto annexed, all the enactments and provisions contained in the Acts of the Parliament of Canada, passed in first, second and third sessions thereof, held respectively in the thirty-first, the thirty-second and thirty-third, and the thirty-third years of Her Majesty's Reign, and applying equally to the whole Dominion of Canada as then constituted, and not limited to any particular Province or Provinces thereof, or to any territorial division in any one or more of them, shall have the same force and effect in and in relation to the Province of Manitoba, from and after the passing of this Act, as they then have in and in relation to all the other Provinces of Canada.

Interpretation clause.

2. In the seven next following sections of this Act the words "the said Acts" mean the Acts passed in the said first, second, and third sessions of the Parliament of the Dominion of Canada, which are not mentioned in the Schedule to this Act as being declared wholly inapplicable to the Province of Manitoba.

The same.

3. In construing the said Acts, the words "Canada," "the Dominion," "the Dominion of Canada," "the Provinces of Canada" or other like expressions wherever they occur therein, shall, from and after the passing of this Act, be held to include the Province of Manitoba, provided the subject matter and the context will fairly admit of their being so construed, in order to carry out the intent of this Act.

Saving provision.

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

5. In case any of the said Acts, or any enactment or provision therein has force or effect in relation to one or more of the Provinces composing the Dominion at the time of its passing, in a sense peculiar to such Province or Provinces, and different from the sense in which it has force and effect in relation to all the said Provinces as a whole, such Act, enactment or provision shall have force and effect within and in relation to the Province of Manitoba in the last mentioned sense only.

Provisions to apply to Manitoba as they do to all the Provinces.

6. Nothing in this Act shall be construed so as to give a retro-active effect to any of the said Acts, or to any enactment or provision therein.

No retro-active effect.

7. Nor shall anything in this Act be construed as relating to or in any way affecting the Act passed in the thirty-third year of Her Majesty's reign, chapter three, "*to amend and continue the Act '32 and '33 Victoria, chapter 3, and to establish and provide for the government of the Province of Manitoba,*" but the said Act shall have and continue to have the same force and effect, within and in relation to the Province of Manitoba as if this Act had not been passed: Provided that in construing the twenty-seventh section of the said Act, the Customs duties thereby continued shall be deemed to be duties imposed by the Parliament of Canada, for the purposes of the Act 33 Vict., chapter eight, (respecting the remission of duties and penalties in certain cases), and other Acts relating to the Customs and Revenue.

This Act not to affect 32, 33 V., c. 3.

Proviso as to duties of Customs.

8. Nor shall anything in this Act prevent the effect, in or in relation to the Province of Manitoba, of any Act passed during the present Session, relating specially to the said Province.

Acts of the present Session not affected.

9. Every law in force in the Province of Manitoba at the time of the passing of this Act, inconsistent with or repugnant to any of the enactments or provisions of any Act of the Parliament of Canada which will be in force in the said Province, or making any provision for any matter provided for by any of the said enactments or provisions, other than such as is thereby made, is hereby repealed; but this repeal shall not affect the past operation of any such law, or the validity of anything already done, or any right, title, obligation or liability already accrued, or penalty or forfeiture already incurred, thereunder.

Inconsistent enactments repealed.

BRITISH COLUMBIA.

10. All the enactments and provisions of the Acts of the Parliament of Canada, passed in the first, second and third Sessions thereof aforesaid, or in the present Session, relating to the Executive Government and the several departments thereof, and the Civil Service of the Dominion, the Legislature and Legislation, the Senate and House of Commons, and the proceedings therein, the independence of Parliament, and the qualification or disqualification of Members of the last mentioned House, the vacating of seats

What Acts of the Parliament of Canada shall apply to British Columbia.

seats therein and the filling of vacancies, the Public works of the Dominion, and the Postal service, shall, in so far as they may not be inconsistent with the provisions of any Order of the Queen in Council, made under the authority of the 146th section of the British North America Act, 1867, have the same force and effect in and in relation to the Colony of British Columbia after its admission into the Union under such Order in Council, as they then have in and in relation to all the other Provinces of Canada.

Customs
Laws.

11. Such provisions of the Customs Laws of Canada (other than such as prescribe the rates of duty), as may be from time to time declared by the Governor in Council applicable to the Province of British Columbia, after its admission into the Union, as aforesaid, shall apply thereto, and be in force therein accordingly.

Excise Laws.

12. Such provisions of the laws of Canada respecting the Inland Revenue, other than those fixing the amount of duties, as may be from time to time declared by the Governor in Council applicable to the Province of British Columbia, after its admission into the Union as aforesaid, shall apply thereto and be in force therein accordingly.

This Act to
be subject to
Order of the
Queen in
Council.

13. Anything in this Act, or in any Act of the Parliament of Canada hereby extended to British Columbia, which may be inconsistent with the Order of the Queen in Council for the admission of British Columbia into the Union, shall be void and of no effect.

SCHEDULE A.

Acts of the Parliament of Canada which will not under the foregoing Act apply to the Province of Manitoba or the application of which to the said Province, is limited in the manner and to the extent hereinafter mentioned.

CHAP.	TITLE.
Acts passed in the First Session 31st Victoria, 1867-1868.	
6	An Act respecting the Customs. <i>Except such provisions thereof as may be declared applicable by Order in Council, under 33 Vict., cap. 3, s. 28.</i>
7	An Act imposing duties of customs with the Tariff of duties payable under it.
8	An Act respecting the Inland Revenue. <i>Except such provisions thereof as may be declared applicable by Order in Council, under 33 Vict., cap. 3, s. 29.</i>

CHAP.	TITLE.
42	An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands. <i>Except only so much as relates to the Organization of the Department.</i>
44	An Act to amend the Act of the present session, intituled, "An Act imposing duties of Customs, with the Tariff "duties payable under it." <i>Except such provisions thereof as may be declared applicable by Order in Council, under 33 Vict, cap. 3, s. 28.</i>
45	An Act respecting the Currency.
50	An Act to increase the Excise duty on Spirits, to impose an Excise duty on refined petroleum, and to provide for the inspection thereof. <i>Except such provisions thereof as may be declared applicable by Order in Council, under 33 Vict., cap. 3, s. 29.</i>
51	An Act for better securing the payment of the duty imposed on Tobacco manufactured in Canada. <i>Subject to the exceptions made with respect to cap. 50.</i>
Acts passed in the Second Session, 32-33 Victoria, 1869.	
6	An Act for the gradual enfranchisement of Indians, the better management of Indian Affairs, and to extend the provisions of the Act 31st Victoria, chapter 42.
16	An Act respecting Insolvency. <i>This Act shall not apply to Insolvents resident in Manitoba, except in the case of composition and discharge, mentioned in Sections 94 to 108 both inclusive, in which "the Court" shall mean the General Court of the Province of Manitoba, and "the Judge" shall mean the Judge of that Court.</i>
31	An Act respecting the Duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders. <i>This Act shall not be in force in the Province of Manitoba until the first day of July in the present year, 1871, on and after which it shall be in force there, subject to the amendments made in chapter 36 of the same Session, and to those of 33 Vict., chapter 27.</i>

CHAP.	TITLE.
32	An Act respecting the prompt and summary Administration of Justice in certain cases.
33	An Act respecting the Trial and Punishment of Juvenile Offenders.
Acts passed in the Third Session, 33 Victoria, 1870.	
9	An Act to amend the Act respecting Customs and Inland Revenue ; and to make certain provisions respecting Vessels navigating the Inland Waters of Canada above Montreal. <i>This Act shall not apply to Manitoba, except in so far only as it may be declared applicable thereto under Sections 28 and 29 of chapter 3 of the same Session.</i>

CAP. XIV.

An Act to extend to the Province of Manitoba certain of the Criminal Laws now in force in the other Provinces of the Dominion.

[Assented to 14th April, 1871.]

Preamble.

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

Certain Acts of Canada to be in force in Manitoba.

1. The following Statutes of the Parliament of Canada, passed in the Session held in the thirty-second and thirty-third years of the reign of Her Most Gracious Majesty, are and each of them is hereby extended to, and shall henceforth have the force and effect of Law within the Province of Manitoba, save and except in so far only as any provision of [the said Statutes may therein be declared to be applicable to another Province only, that is to say :

Chapter eighteen, intituled “ *An Act respecting offences relating to the Coin.*”

Chapter nineteen, intituled “ *An Act respecting Forgery.*”

Chapter twenty, intituled “ *An Act respecting Offences against the Person.*”

Chapter

Chapter twenty-one, intituled "*An Act respecting Larceny and other similar offences.*"

Chapter twenty-two, intituled "*An Act respecting Malicious injuries to property.*"

Chapter twenty-three, intituled "*An Act respecting Perjury,*" as amended by the Act 33 Victoria, Chapter 26.

Chapter twenty-four, intituled "*An Act for the better preservation of the public peace, in the vicinity of Public Works,*" as amended by the Act 33 Victoria, chapter 28.

Chapter twenty-five, intituled "*An Act respecting certain Offences relative to Her Majesty's Army and Navy.*"

Chapter twenty-six, intituled "*An Act for the better preservation of Her Majesty's Military and Naval Stores.*"

Chapter twenty-seven, intituled "*An Act respecting Cruelty to Animals,*" as amended by the Act 33 Victoria, chapter 29.

Chapter twenty-eight, intituled "*An Act respecting Vagrants.*"

Chapter twenty-nine, intituled "*An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law.*"

Chapter thirty, intituled "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to persons charged with indictable offences.*"

2. The Court known as the General Court now and heretofore existing in the Province of Manitoba, and any Court to be hereafter constituted by the Legislature of the said Province, and having the powers now exercised by the said General Court, shall have power to hear, try and determine in due course of law all treasons, felonies and indictable offences committed in any part of the said Province, or in the Territory which has now become the said Province. What Court shall try certain offences.

3. Whenever any prosecuted party upon being arraigned before the said General Court, or before such court as may hereafter be constituted by the Legislature of Manitoba to supersede the said General Court, demands a jury, composed for the one half at least of persons skilled in the language of the defence, if such language be either English or French, he shall be tried by a jury composed for the one half at least of the persons whose names stand first in succession upon the general panel, and who, on appearing, and not being lawfully challenged, are found, in the judgment of the court to be skilled in the language of the defence. If the accused demands a jury half French or half English.

If the panel be exhausted in such case.

4. Whenever from the number of challenges, or any other cause, there is in any such case, a deficiency of persons skilled in the language of the defence, the court shall fix another day for the trial of such case, and the Sheriff shall supply the deficiency by summoning for the day so fixed such additional number of jurors skilled in the language of the defence as the court may order, and as are found inscribed next in succession on the list of petty jurors.

As to peremptory challenges in such case.

5. Whenever a person accused of treason or felony elects to be tried by a jury composed one-half of persons skilled in the language of the defence, the number of peremptory challenges to which he is entitled shall be divided, so that he shall only have the right to challenge one-half of such number from among the English speaking jurors, and one-half from among the French speaking jurors.

Inconsistent laws repealed.

6. All provisions of law heretofore in force in the country now constituting the Province of Manitoba, inconsistent with, or repugnant to the provisions of this Act, or inconsistent with or repugnant to any of the Statutes enumerated in the first section of this Act, are hereby repealed; provided always that no person shall, by reason of the passing of this Act, be liable to any punishment or penalty for any act done before the passing thereof, for which he would not have been liable to any punishment or penalty under the laws in force in the said Province or the Territory now constituting it at the time such act was done, nor shall any person by reason of the passing of this Act be liable to any greater or other punishment for any offence committed before the passing thereof, than he would have been liable to under the laws then in force as aforesaid, and this Act and the Acts hereby extended to the said Province shall apply only to the procedure in any such case, and the penalty or punishment shall be the same as if this Act had not been passed.

Proviso as to offences committed before the passing of this Act.

What prison may be used as a penitentiary.

7. In the absence of any Penitentiary Building, any common gaol or other place of confinement in the Province of Manitoba, shall be held to be a Penitentiary for the confinement and reformation of persons, male and female, lawfully convicted of crime before the Courts of Manitoba, and sentenced to confinement for life or for a term of not less than two years; and whenever any offender is punishable by imprisonment, such imprisonment, whether it be for life or two years, or for any longer term, shall be in any such common gaol, or other place of confinement, according to the judgment of the Court.

CAP. XV.

An Act to amend the Inland Revenue Act, 1868, and to alter the duties of Excise chargeable in the Province of Manitoba.

[Assented to 14th April, 1871.]

IN amendment of the Inland Revenue Act, 1868, and the Act passed in the thirty-third year of Her Majesty's Reign, and intituled "An Act to amend and continue the Act 32 and 33 Victoria, Chapter 3, and to establish and provide for the Government of the Province of Manitoba;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1.** The following proviso shall be added to the seventh section of the Act first cited in the preamble to this Act. Section 7 amended as to certain products from petroleum, which will be free of duty.
- "Paraffine wax in a solid state, grease for lubricating purposes and being fluid, lubricating oil made from crude petroleum without being subjected to any process of distillation, tar and other refuse removed from the still without passing through the worm or condenser, and any article produced from such tar or refuse without further process of distillation, shall be exempt from any duty of excise."
- 2.** The eleventh section of the said Act is hereby amended, by substituting the words, "one hundred and five degrees,"—for the words "one hundred and fifteen degrees,"—as the *fire test* for refined petroleum. Section 11 amended. Fire test of petroleum.
- 3.** Notwithstanding anything contained in the nineteenth section of the Act thirty-first Victoria, chapter fifty, the Governor in Council may exempt from duty all such products resulting from the distillation of petroleum as can neither be used for illuminating purposes, nor for adulteration of such refined petroleum as is suitable for illuminating purposes; and may also from time to time reduce the inspection fees provided by the said Act. Certain other products of petroleum may be freed from duty.
- 4.** The nineteenth section of the Act thirty-third Victoria, chapter nine, respecting Customs and Excise, is hereby amended, by expunging the words "sixty-five cents," in the eleventh line thereof, and inserting in lieu thereof the words "sixty-three cents." Sect. 19 of 33 V., c. 9, amended.
- 5.** Notwithstanding anything to the contrary in the twentieth section of the Act secondly cited in the preamble to this Act, the Governor in Council may during the period of three years from the passing of the said Act, reduce the duties of excise payable in the Province of Manitoba on any or all articles subject to such duties, under any provisions of the laws of Canada respecting Section 23 of 33 V., c. 3, amended. Duties of Excise in Manitoba may be reduced.

Inland Revenue which he may see fit to declare applicable to the said Province, to such rates as he may deem expedient in view of the duties of customs payable during that period on like articles imported into the said Province.

As to duties
on liquors in
Manitoba.

6. The Governor in Council may (the consent of the Legislature of Manitoba having been first signified thereto) increase the duties of Customs and Excise on wine, beer, spirits, and all other intoxicating liquors, in the Province of Manitoba, to any rates not exceeding those levied in the rest of the Dominion.

CAP. XVI.

An Act to make further provision for the government of the North West Territories.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, Chapter Three, entitled, "An Act for the temporary government of Rupert's Land and the North Western Territory when united with Canada," as re-enacted, amended, extended and continued in force, with respect to such portion of the said Land and Territory as is not included in the Province of Manitoba by the Act passed in the thirty-third year of Her Majesty's Reign, Chapter 3, entitled "An Act to amend and continue the Act 32 and 33 Victoria, Chapter 3, and to establish and provide for the government of the Province of Manitoba," will expire at the end of the present Session of Parliament; And whereas, it is expedient to make provision for the government, after the expiration of the Act first above mentioned, of the North West Territories, that being the name given by the thirty-fifth section of the Act secondly above mentioned to such portion of Rupert's Land and the North Western Territory as is not included in the Province of Manitoba; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Appointment
and functions
of Lieutenant
Governor.

1. It shall be lawful for the Governor, by any Order or Orders to be by him from time to time made, with the advice of the Privy Council, (and subject to such conditions and restrictions as to him shall seem meet) to authorize and empower such officer as he may from time to time appoint as the Lieutenant-Governor of the North West Territories, to make provision for the administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions and Ordinances as may be necessary for the Peace, Order, and good Government of Her Majesty's subjects, and others therein; provided that all such Orders

Governor in
Council may
make laws.

Proviso.

in

in Council, and all Laws and Ordinances, so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

2. The Lieutenant-Governor shall administer the Government under instructions from time to time given him by Order in Council. Instructions to Lieutenant Governor.

3. The Governor may, with the advice of the Privy Council, constitute and appoint, by Warrant under his Sign Manual, a Council of not exceeding fifteen nor less than seven persons, to aid the Lieutenant-Governor in the administration of affairs, with such powers as may be from time to time conferred upon them by Order in Council. Appointment of Council to Lieutenant Governor.

4. All the Laws in force in the North West Territories at the time of the passing of this Act shall, so far as they are consistent with "The British North America Act, 1867,"—with the terms and conditions of the admission of Rupert's Land and the North-Western Territories into the Union, approved of by the Queen under the 146th section thereof,—and with the said above cited Acts and this Act,—remain in force therein, until altered by the Parliament of Canada, or by the Lieutenant-Governor under the authority of this Act. Existing laws continued: subject to B. N. A. Act, 1867.

5. The Lieutenant-Governor and all Public Officers and Functionaries holding office in the North West Territories at the time of the passing of this Act, shall continue to be Public Officers and Functionaries of the North West Territories with the same duties and powers as before, until otherwise ordered under the authority of this Act. Public officers to retain office until otherwise ordered.

CAP. XVII.

An Act to extend the Act respecting the Militia and Defence of the Dominion of Canada.

[Assented to 14th April, 1871.]

WHEREAS, it is expedient to extend 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 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. 40.

31 Vic. cap. 40, extended to Manitoba and British Columbia. **1.** The Act mentioned in the Preamble to this Act, shall be and is hereby extended, and shall apply to the Province of Manitoba, and shall also extend and apply to British Columbia, whenever that Colony shall become part of the Dominion of Canada.

Manitoba and British Columbia to form each a Military District. **2.** The Province of Manitoba, and British Columbia whenever it forms part of the Dominion of Canada, shall each respectively form a Military District for the purposes of the said Act, as if they had been mentioned as such in section twelve of the said Act, and as if the word "eleven" had been used in the said section and elsewhere in the said Act, instead of the word "nine," as the number of Military Districts.

Her Majesty may appoint Colonels, &c., in the Militia. **3.** Sub-sections two and three of section thirty-three of the said Act are hereby so amended as to allow Her Majesty, whenever in her opinion the efficiency of the service requires it, to appoint Colonels and other officers of superior rank in the Militia, but in no case to exceed that of Major-General.

Number of Active Militiamen increased. **4.** The forty-fourth section of the said Act is hereby amended, by substituting "Forty-five Thousand" for "Forty Thousand," as the number of Active Militiamen who may in time of peace be trained and drilled as in the said section mentioned; but any increase above the number of Forty Thousand, shall be authorized and regulated from time to time, by order of the Governor in Council.

Proviso. **5.** This Act and the Act hereby amended may be cited together as "The Militia and Defence Acts, 1868 and 1871," which shall be a sufficient citation of both Acts.

Short title.

CAP. XVIII.

An Act to amend the Census Act.

[Assented to 14th April, 1871.]

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

Census Act, 33 V., c. 21, extended to certain territory. **1.** Subject to the provisions of this Act, the Census Act is hereby extended and made applicable to all territory beyond the four Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, now forming part of the Dominion of Canada; and may, by Proclamation of the Governor in Council, be further extended and made applicable to any other territory, which during the current year may become part of the Dominion of Canada.

2. Each Province in such territory, and each such other portion thereof as the Governor in Council may by Proclamation declare so to be, shall be deemed a separate Province, within the meaning of the Census Act, and for all purposes thereof.

Certain territorial divisions to be deemed separate Provinces.

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

Details of information to be such as Governor in Council may direct.

4. The Census Districts and Census Sub-Districts in each such Province shall be so many, and such, as the Governor in Council by Proclamation shall direct.

Census Districts, &c.

5. Notwithstanding anything in the second section of the Census Act, the period for taking the Census in any specified Census Districts or Sub-Districts wherein it may be made to appear that the Census cannot be taken within the time thereby limited, may by Proclamation of the Governor in Council be extended to any date not later than the first of September next.

Extension of time for completing Census.

6. All inquiries requisite in any wise for the due completion of the Census may be carried on after the period fixed for the taking of the Census.

The same.

7. The requirement in the eleventh section of the Census Act set forth, that every Enumerator shall make domiciliary visits to every house within his Sub-district or other assigned division of territory, may by Proclamation of the Governor in Council be relaxed, so far as may be deemed necessary, in respect of any specified localities having a population too scattered or too migratory for such domiciliary visitation.

Domiciliary visits in certain places may be dispensed with.

8. Any Proclamation by the Governor in Council, for amendment of a previous Proclamation issued under the Census Act, shall avail to render valid and regular all that in the meantime may have been done under authority of the Minister of Agriculture, in anticipation of and conformably with such amendment.

Proclamation amending a proclamation

9. The Act hereby amended and this Act shall be held and construed as one Act; and the expression "The Census Act" shall be a sufficient citation of the said Act as hereby amended.

Short title.

CAP. XIX.

An Act to amend the Act further securing the Independence of Parliament.

[Assented to 14th April, 1871.]

Preamble.

FOR better securing the Independence of Parliament, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sub-section of Sect. 1 of 31 V., c. 25 amended.

1. The first sub-section of the first 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," is hereby so amended as to read as follows:

Offices of profit, &c., under Government of Canada to disqualify.

"1. No person accepting or holding any office, commission or employment, permanent or temporary, in the service of the Government of Canada, at the nomination of the Crown, to which an annual salary, or any fee, allowance or emolument or profit of any kind or amount whatever from the Crown is attached, shall be eligible as a member of the House of Commons, nor shall he sit or vote in the same, during the time he holds such office, commission or employment;"

Exceptions.

But the sub-section so amended shall be subject to the exceptions made in the two following sub-sections of the said section.

CAP. XX.

An Act to make temporary provision for the Election of Members to serve in the House of Commons of Canada.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, it is expedient to make temporary provision for the election of members to serve in the House of Commons of Canada:—Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Shorttitleand duration.

1. This Act shall be in force during two years from the time of the passing thereof and no longer; And may be cited as "*The Interim Parliamentary Elections Act, 1871.*"

2. The laws in force in the several Provinces of Canada, Nova Scotia, and New Brunswick at the time of the Union, on the first day of July, 1867, relative to the following matters, that is to say:—The qualifications and disqualifications of persons to be elected or to sit or vote as Members of the Legislative Assembly or House of Assembly in the said several Provinces respectively, the voters at Elections of such Members, the oaths to be taken by voters, the powers and duties of Returning Officers, and generally the proceedings at and incident to such elections shall, as provided by the British North America Act, 1867, continue to apply respectively to Elections of Members to serve in the House of Commons for the Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, subject to the following exceptions and provisions, that is to say:—

Election laws in force in the several Provinces at the Union to apply, subject to certain exceptions.

1. The polling at any election of a Member to serve in the House of Commons, for any Electoral District in either of the Provinces of Quebec or Ontario, shall continue for one day only, and the Poll shall be opened at nine o'clock in the morning and closed at five o'clock in the afternoon of such day.

Polling to continue only one day in Ontario and Quebec.

2. In the Province of Ontario, the qualification of voters at Elections for Members of the House of Commons, shall be that established by the laws in force in that Province on the twenty-third day of January, 1869, as the qualification of voters at Elections for Members of the Legislative Assembly, and the voters' lists to be used at elections of Members of the House of Commons shall be the same as if such elections were of members of the Legislative Assembly on the basis of the qualification aforesaid.

Qualification of Voters in Ontario, and voters' lists.

3. If in the Province of Quebec, the Returning Officer for any Electoral District finds by the Voters' list for any polling District, or Sub-division thereof, that the number of voters therein exceeds two hundred, he shall proceed to divide the same in the most convenient manner, and so that there shall not be more than two hundred voters in each Sub-division, and shall provide a polling place for each such Sub-division, and shall furnish for each polling place a copy of the Voters' list or so much thereof as is required for the Sub-division, and any provisions of the law in the said Province with respect to the voting or the right to vote at the polling place in any polling district or Sub-division thereof, shall apply to any polling Sub-division to be established under this section; Provided always, that at any time after the passing of this Act, the Municipal Council of the City, Town, or other Local Municipality having jurisdiction over the locality, may divide such City, Town or Local Municipality into Electoral Sub-divisions so that there shall not be more than two hundred voters in each such Sub-division, and such power shall be exercised under the provisions of section two of the Act of the Legislature of the late Province of Canada, passed in the Session held in the 29th and 30th years of Her Majesty's reign, chapter 13; and the power given by this Act to the Returning Officer to make such Sub-division

Sub-division of Polling districts in Quebec, where Voters are too numerous.

Proviso: Municipality may make such sub-division.

Returning officer to make it if the municipality does not.
 Proviso: distance between polling places.

division shall be exercised only in case the Municipal Council shall not have made such Sub-division, or the time for appealing against the same if made shall not have expired; provided also, that instead of the limitation of distance between the polling places prescribed by the fourth section of the said Act, the distance between polling places in Cities, Towns and Incorporated Villages shall not be less than one hundred yards, nor in other Local Municipalities less than one mile.

Polling places in Ontario.

4. The Polling Sub-divisions or Wards in the Province of Ontario shall be the same as those used at the last preceding election of Members of the Legislative Assembly, and the Returning Officer shall provide a polling place for each of such Sub-divisions or Wards, in the most central and convenient place for the electors of such Sub-divisions or Wards.

Voters' lists in Quebec.

3. In the Province of Quebec:—

What shall be a "duplicate" under 27 V., c. 8.

1. Any copy of the Voters list certified as being a true copy thereof, by the Clerk, Treasurer, or Secretary Treasurer, having made or having the custody of the original, shall be held to be a "duplicate" of such Voters' list for all the purposes of the Act of the Legislature of the late Province of Canada, 27 Victoria, chapter 8, as respects elections for Members to serve in the House of Commons of Canada:—

Penalty on Registrar delivering incorrect list.

2. Any Registrar who shall deliver to a Deputy Returning officer, any list of Voters which shall not be conformable to the duplicate or certified copy of a Voters list deposited in the office of such Registrar, at least one month before the date of the writ of election, shall incur a penalty of four hundred dollars for each copy so delivered.

On officer of municipality for like offence.

3. Any Clerk, Treasurer, or Secretary Treasurer, of any City or municipality, who shall deliver to any Registrar any duplicate or certified copy of a list of Voters which shall not be conformable to that remaining of record in the office of such Clerk, Treasurer, or Secretary-Treasurer, as made from the assessment rolls, shall, for each list so delivered, incur a penalty of four hundred dollars.

Recovery of penalties.

4. The penalties hereby imposed shall be recoverable and appropriated in the manner provided by the sixth chapter of the consolidated statutes of the late Province of Canada with respect to penalties of like amount imposed by that chapter.

Application of foregoing provisions.

5. The foregoing provisions of this section shall apply only to elections for the House of Commons of Canada, and to Voters lists to be used at such elections.

Lists may be attested before one J. P.

6. Notwithstanding anything to the contrary in sub-section three of section eleven, of chapter six of the Consolidated Statutes of Canada, the Clerk, Treasurer or Secretary-Treasurer may certify

the

the correctness of the list or lists of Voters made out by him, before one Justice of the Peace, instead of two, as required by the said sub-section.

4. All persons nominated as Revisors, under chapter twenty-eight of the Acts of the Legislature of Nova Scotia, passed in the year 1863, intituled "An Act to regulate the Election of Members to serve in the General Assembly," shall, in the present year 1871, within three months after the passing of this Act, and in any future year at the time of their preparing the annual list of Electors qualified to vote at elections of Members of the General Assembly, prepare also and file with the Clerk of the Peace, a like alphabetical list of Electors qualified to vote at elections of Members to serve in the House of Commons of Canada, by adding to the lists of Voters for Members of the General Assembly the names of all officials and employees of the Dominion Government qualified to vote at elections of Members of the General Assembly under the laws in force in Nova Scotia on the first day of July, 1867, but who may have been disqualified by any Act of the Legislature of that Province passed after the said day. The lists first made shall form the register of Electors of Members of the House of Commons until the next year's lists shall be made and perfected, and the provisions of sections twenty-five, twenty-six, and twenty-seven respectively of the said chapter shall be held applicable to such future lists. For any neglect or wilful breach of duty under this section the Revisors shall be subject to the like penalties prescribed in section twenty-four of the said chapter.

Revisors in Nova Scotia to make correct lists.

How long such lists shall serve.

Penalty for default.

5. In the Province of Manitoba, and in the Province of British Columbia when it becomes part of the Dominion of Canada, the laws in force at the time of any election of a Member or Members to serve in the House of Commons for any Electoral District in either of the said Provinces, relative to the following matters or any of them, namely: the qualifications or disqualifications of persons to be elected or to sit or vote as Members of the Legislative Assembly of Manitoba or of the Legislative Council of British Columbia, (as the case may be), the voters at elections of such Members, the oaths to be taken by voters, the powers and duties of Returning Officers, the proceedings at elections, the trial of controverted elections and proceedings incident thereto, the vacating the seats of members, and the issue and execution of new writs in case of seats vacated otherwise than by dissolution, shall apply respectively to elections of Members to serve in the House of Commons for the same Province.

Elections in Manitoba or British Columbia.

6. In the Provinces of Manitoba and British Columbia respectively, the polls at any election of a Member to serve in the House of Commons, shall be held only on one day, and shall open at nine o'clock in the morning and close at five o'clock in the afternoon of the same day; and the Returning Officer at any election, in either of the said Provinces, of a Member to serve in the House of Commons, shall have the like powers for dividing

Polling to continue only one day. Sub-division of polling districts if necessary.

any

any polling district as are vested in Returning Officers in Quebec by sub-section three, of section two, which shall apply to Manitoba and British Columbia.

Writs of Election, and powers of Officers issuing them, and of Returning Officers.

7. For the purposes of Elections of Members to serve in the House of Commons, the Governor General shall cause writs to be issued by such person, in such form, and addressed to such Returning Officer as he thinks fit: the persons issuing writs under this section shall have the like powers as were possessed at the Union by the officers charged with the issuing of writs for the Election of Members to serve in the respective Legislative Assembly or House of Assembly of the Province of Canada, Nova Scotia, or New Brunswick, or as may be possessed by any such officer in Manitoba or British Columbia respectively, immediately before such election; and the Returning Officer to whom writs are directed under this section shall have the like powers as were possessed at the time of the Union in the Provinces of Quebec, Ontario, Nova Scotia, or New Brunswick, or in the Province of Manitoba or British Columbia immediately before such Election, by the officers charged with the returning of writs for the Election of Members to serve in the same respective Legislative Assembly, House of Assembly or Legislative Council, subject to the provisions of this Act.

Tariff of fees for elections.

8. The Governor in Council may make a tariff of fees, costs and expenses, to be paid and allowed by the Dominion Government to the Returning Officers and other officers and persons employed at or with respect to elections of Members to serve in the House of Commons of Canada, and such tariff shall be substituted for any provision in any Statute now in force in the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick respecting such fees, costs and expenses, and shall apply also to elections in the Province of Manitoba, and in British Columbia when it becomes a Province of Canada.

No candidate to employ means of corruption.

9. No Candidate at any Election shall, directly or indirectly, employ any means of corruption by giving any sum of money, office, place, employment, gratuity, reward, or any bond, bill or note, or conveyance of land, or any promise of the same, nor shall he, either by himself or his authorized agent for that purpose, threaten any Elector with losing any office, salary, income, or advantage, with the intent to corrupt or bribe any Elector to vote for such candidate, or to keep back any Elector from voting for any other Candidate, nor shall he open and support or cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of the Electors; and if any representative returned to the House of Commons, is proved guilty before the proper Tribunal, of using any of the above means to procure his Election, his Election shall be thereby declared void and he shall be incapable of being a Candidate, or being elected, or returned during that Parliament.

Penalty.

CAP. XXI.

An Act in relation to the Library of Parliament.

[Assented to 14th April, 1871.]

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

1. All books, paintings, maps, and other effects at the time of Library, &c.,
the passing of this Act in the joint possession of the Senate and vested in Her
House of Commons, of Canada, or which shall hereafter be added Majesty.
to the existing collection, shall vest in the Queen's Majesty for the
use of the two Houses of Parliament, and shall be kept in a
suitable portion of the Parliament Buildings to be appropriated for
that purpose.

2. The direction and control of the Library of Parliament, and Direction and
of the officers and servants connected therewith, shall be vested in control there-
the Speaker of the Senate and the Speaker of the House of of in whom to
Commons for the time being, assisted during each Session by a be.
Joint Committee to be appointed by the two Houses.

3. The Speakers of the two Houses of Parliament, assisted by Power to
the Joint Committee, shall have power, from time to time, to make orders,
such orders and regulations for the government of the Library, &c.
and for the proper expenditure of moneys to be voted by Parlia-
ment for the purchase of books, maps, or other articles to be
deposited therein, as to them shall seem meet; subject to the
approval of the two Houses of Parliament.

4. The officers and servants of the Library of Parliament shall Officers,
consist of a Librarian, an Assistant Librarian, two Clerks and two clerks, and
Messengers, who shall be appointed by the Crown, and who shall messengers,
hold office during pleasure, and who shall respectively be paid the and their
salaries mentioned in Schedule A to this Act annexed, and no salaries.
additions shall be made to the number of such officers or servants,
nor changes made in the salaries by this Act attached to their
respective positions, save upon the resolutions of both Houses of
Parliament: Provided always, that nothing in this Act or in the Proviso :
schedule annexed thereto, shall operate to diminish the salary of No salary
any officer or servant now employed in the Library. diminished by
this Act.

5. The Librarian, Assistant Librarian, and other officers and Responsi-
servants of the Library of Parliament shall be responsible for the bility of
faithful discharge of their official duties, as the same may be officers, &c.
defined by regulations to be agreed upon, as aforesaid, by the
Speakers of the two Houses, and concurred in by the said Joint
Committee on the Library.

Salaries, &c., how payable. **6.** The salaries of the officers and servants of the Library of Parliament, and any casual expenses connected therewith, shall be paid out of funds to be provided by Parliament for that purpose.

Stationery, how supplied. **7.** The supply of stationery required for the use of the Library shall be furnished by the stationery office of the Government, and charged against the Houses of Parliament.

Commencement of Act. **8.** This Act shall commence and take effect upon and after the 1st July, 1871.

SCHEDULE A.

Librarian	\$2,500
Assistant Librarian	1,800
First Library Clerk (under five years' service)	800
do do (over five years' service)	1,200
Second Library Clerk	800
Messengers (under five years' service).....	400
do (over five years' service)	500

CAP. XXII.

An Act to amend the Act 31st Victoria, chapter 66, respecting Aliens and Naturalization.

[Assented to 14th April, 1871.]

Preamble, 31 V., c. 66.

IN amendment of the Act passed in the thirty-first year of Her Majesty's Reign, chaptered sixty-six, and intituled: "An Act respecting Aliens and Naturalization," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Aliens having taken certain oaths before 1 Jan., 1868, naturalized.

1. Every person who, being by birth an Alien, did, prior to the first day of January, 1868, take the oaths of residence and allegiance required by the Naturalization Laws then in force in that one of the Provinces now forming the Dominion of Canada, in which he then resided, shall be admitted to all the rights and privileges of a natural-born British subject conferred upon naturalized persons by the Act of Parliament of Canada respecting Aliens and Naturalization, passed in the thirty-first year of Her Majesty's reign, and the certificate of the Judge, Magistrate, or other person before whom such oaths were taken and subscribed, shall be evidence of his having taken them; or he may take and subscribe the following oath before some judge, justice, or person authorized to administer the oaths of residence and allegiance under the Act hereby amended, in the County or District in which he resides:

Evidence thereof.

May take another oath.

"I,

“I, A. B., do (swear *or* affirm) that, on or about the day of _____, at _____ in the (County) of _____, in the Province of _____ (or in the late Province of Canada), I did take and subscribe before (a Judge, Magistrate, or other proper person, naming him,) the (oaths) of residence and allegiance required by the Laws respecting the Naturalization of Aliens then in force in the said Province; So help me God.” Form.

2. All Aliens who had their settled place of abode in either of the late Provinces of Upper Canada or Lower Canada, or in Nova Scotia, or New Brunswick, on or before the first day of July, A.D. 1867, and who are still residents in the Province of Ontario or of Quebec, or in either of the Provinces of Nova Scotia or New Brunswick, shall be deemed, adjudged, and taken to be, and to have been entitled to all the privileges of British birth, as if they had been natural born subjects of Her Majesty, subject to the following provision, that is to say:—That no such person (being a male), shall be entitled to the benefit of this Act, unless nor until he shall take the oath or affirmation of allegiance in the form prescribed by the Act hereby amended, together with the oath of residence hereinafter prescribed, before some Justice of the Peace, or other person authorized to administer oaths under the said Act. Aliens residing in any Province now in Canada, before 1 July, 1867, naturalized.

Proviso :
oaths to be taken.

2. Such Alien shall take and subscribe the following oath of residence, that is to say :— Oath of residence.

“I, A. B., do swear (*or* affirm) that I had a settled place of abode in the Dominion of Canada on the first day of July, 1867, and resided therein, with intent to settle therein, and have continuously since resided therein : So help me God.”

3. Every affidavit or affirmation taken under this Act shall be filed, if the person making it resides in the Province of Ontario, with the Clerk of the Peace of the County in which he resides,—if he resides in the Province of Quebec, with the Clerk of the Circuit Court of the Circuit within which he resides,—if he resides in Nova Scotia, with the Clerk of the Supreme Court,—and if he resides in New Brunswick with the Clerk of the Superior Court of Judicature; and such clerk shall file the same of record in his Court, and upon its being so filed, the person making it shall be entitled to the benefit of this Act and the privileges of British birth, and shall also, upon payment of a fee of twenty-five cents to such clerk, be entitled to a certificate from him, in the form or to the effect prescribed in section six of the Act hereby amended, and the production of such certificate shall be *prima facie* evidence of his naturalization under this Act, and that he is entitled to and enjoys all the rights and privileges of a British subject. Oaths under this Act : how to be filed.

Certificate, and its effect.

Interpretation clause.

4. In this Act the word "oath" includes an "affirmation" in every case where the person taking it is one of those who are allowed by the Laws of the Province in which he resides to affirm in judicial cases, and the forms herein given shall, in such cases, be worded accordingly.

CAP. XXIII.

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

[Assented to April 14th, 1871.]

Preamble.

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

31 Vict., c. 61,
s. 5, repealed.

1. The fifth section of the Act *respecting fishing by foreign vessels*, passed in the thirty-first year of Her Majesty's reign, chapter sixty-one, is hereby repealed, and the following section is hereby enacted in its stead.

New section.
Custody of
vessels, &c.,
seized.

" 5. Goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized as liable to forfeiture under this Act, shall be forthwith delivered into the custody of such fishery officer, or customs officer, or other person, as the Minister of Marine and Fisheries may from time to time direct, or retained by the officer making the seizure in his own custody if so directed by the Minister, in either case to be secured and kept as other goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized are directed by the laws in force in the Province in which the seizure is made, to be secured and kept."

Section 6 re-
pealed.

2. The sixth section of the said Act is hereby repealed, and the following section is hereby enacted in its stead.

New section.
Sale of goods,
vessels, &c.,
seized.

" 6. All goods, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo condemned as forfeited under this Act, shall be sold by public auction, by direction of the officer having the custody thereof, under the provisions of the next preceding section of this Act, and under regulations to be from time to time made by the Governor in Council, and the proceeds of every such sale shall be subject to the control of the Minister of Marine and Fisheries, who shall first pay therefrom all necessary costs and expenses of custody and sale, and the Governor in Council may from time to time apportion three-fourths, or less, of the net remainder, among the officers and crew of any Queen's ship, or
" Canadian

“ Canadian Government vessel, from on board of which the seizure
 “ was made, as he may think right, reserving for the Govern- Appropriation of pro-
 “ ment, and paying over to the Receiver General, at least one-fourth ceeds.
 “ of such net remainder, to form part of the Consolidated
 “ Revenue Fund of Canada; but the Governor in Council may, Proviso.
 “ nevertheless, direct that any goods, vessel, or boat, and the
 “ tackle, rigging, apparel, furniture, stores and cargo, seized and
 “ forfeited shall be destroyed, or be reserved for the public service.”

3. This Act shall be construed as one with the Act hereby Act to be one
 amended; and the sixth-section of the said Act, as contained in the with amended
 second section of this Act, shall apply to all goods, vessels, and Act.
 boats, and the tackle, rigging, apparel, furnitures, stores and cargo,
 condemned under the said Act before the passing of this Act, and
 to the proceeds of the sale thereof, remaining to be applied and
 paid at the time of the passing of this Act.

CAP. XXIV.

An Act to render permissive the use of the Metric
 or of the Decimal System of Weights and Measures.

[Assented to 14th April, 1871.]

WHEREAS for the promotion and extension of the internal Preamble.
 as well as of the foreign trade of Canada, and for the
 advancement of science, it is expedient to legalize the use of the
 Metric System of Weights and Measures: Therefore Her Majesty,
 by and with the advice and consent of the Senate and House of
 Commons of Canada, enacts as follows:—

1. This Act may be cited as the “ Metric Weights and Measures Short title.
 Act, 1871.”

2. Notwithstanding anything contained in any Act or Law The Metric or
 now in force to the contrary, no contract or dealing shall be the Decimal
 deemed to be invalid or open to objection, on the ground that the System may
 weights or measures expressed or referred to in such contract or be legally
 dealing, are weights or measures of the Metric System, or on the used.
 ground that decimal subdivisions of legal weights and measures,
 whether Metric or otherwise, are used in such contract or
 dealing.

3. The tables in the schedules hereunto annexed shall be deemed Tables in
 to set forth, in terms of the standard weights and measures of schedules
 Canada and of the United Kingdom, the equivalents of the may be used
 weights and measures therein expressed in terms of the Metric in comput-
 System; tions.

System; and such tables may be lawfully used for computing, determining, and expressing, in weights and measures of Canada and of the United Kingdom, weights and measures of the Metric System.

Governor in
Council may
procure
Metric
Standards.

4. Whenever the Governor in Council is of opinion that it has become necessary and desirable, he may direct Standards of Metric Weights and Measures to be procured and legalized, and verified copies of them to be provided, and may by Order in Council make regulations for authorizing and facilitating the use of the same, for the verification of Metric Weights and Measures in use in Canada.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE A.

Tables of the values of the principal denominations of Measures and Weights on the Metric System, expressed in terms of the Standard Measures and Weights of Canada.

1.—MEASURES OF LENGTH.

Metric Denominations and Values.		Equivalents expressed in terms of the Standard of Canada.		
	Metres.	In Standard Yards and decimal parts of a Yard.	In feet and decimal parts of a foot.	In links and decimal parts of a link.
Miriometre ...	10000	10939·444444	32818·333333	49724·74747
Kilometre	1000	1093·944444	3281·833333	4972·47474
Hectometre ...	100	109·394444	328·183333	497·24747
Decametre	10	10·939444	32·818333	49·72474
Metre	1	1·093944	3·281833	4·97247
Decimetre ...	$\frac{1}{10}$	·109394	·328183	·49724
Centimetre ...	$\frac{1}{100}$	·010939	·032818	·04972
Millimetre	$\frac{1}{1000}$	·001093	·003281	·00497

2.—MEASURES OF SURFACE.

Metric Denominations and Values.		Equivalents expressed in terms of the Standard of Canada.		
—		Square Metres.	In square yards and decimal parts of a square yard.	In square links and decimal parts of a square link.
Hectare	100 Ares.	10000	11967·1444	247255·0511
Decare.	10 do	1000	1196·7144	24725·5051
Are	1 do	100	119·6714	2472·5505
Centiare	$\frac{1}{100}$ do	1	1·1967	24·7255

3.—WEIGHTS.

Metric Denominations and Values.		Equivalents expressed in terms of the Standard of Canada.		
—	Grams.	In pounds Avoirdupois and decimal parts of a pound.	In grains and decimal parts of a grain Troy.	
Millier	1000000	2204·62125		
Quintal	100000	220·46212		
Myriagram	10000	22·046212		
Kilogram	1000	2·204621		
Hectogram	100	·220462		
Decagram	10	·022046		
Gram	1	·002204	15·4323487	
Decigram	$\frac{1}{10}$	·0002204	1·5432348	
Centigram	$\frac{1}{100}$	·0000220	·1543234	
Milligram	$\frac{1}{1000}$	·0000022	·0154323	

4.—MEASURES OF CAPACITY.

Metric Denominations and Values.		Equivalents expressed in terms of the Standard of Canada.		
—	Cubic Metres.	Litres.	In wine gallons and decimal parts of a wine gallon.	—
Kilolitre	1	1000	264·2864	
Hectolitre.....	$\frac{1}{10}$	100	26·42864	
Decalitre.....	$\frac{1}{100}$	10	2·64286	
Litre	$\frac{1}{1000}$	1	·26428	
Decilitre	$\frac{1}{10000}$	$\frac{1}{10}$	·02642	
Centilitre.....	$\frac{1}{100000}$	$\frac{1}{100}$	·00264	

SCHEDULE B.

Schedule of tables of the values of the principal denominations of Measures and Weights on the Metric System, expressed by means of the legalized denominations of Measures and Weights in Great Britain and Ireland.

1.—MEASURES OF LENGTH.

Metric denominations and values.	Equivalents in British denominations.					
	Metres.	Miles	Yards.	Feet.	In.	Décimals.
Myriametre	10,000	} 6 or	376	0	11	·9
Kilometre	1,000		10,936	0	11	·9
Hectometre	100	....	1,093	1	10	·79
Decametre	10	....	109	1	1	·079
Metre	1	....	10	2	9	·7079
Decimetre	$\frac{1}{10}$	....	1	0	3	·3708
Centimetre.....	$\frac{1}{100}$	....	....	....	3	·9371
Millimetre.....	$\frac{1}{1000}$	....	....	....	0	·3937
	$\frac{1}{10000}$	....	....	....	0	·0394

2.—MEASURES OF SURFACE.

Metric denominations and value.	Equivalents in British denominations.			
	Square metres.	Acres.	Square yards.	Decimals.
Hectare, i. e. 100 ares ...	10,000	{ or 2	2,280	·3326
Decare, i. e. 10 ares	1,000	.....	11,960	·3326
Are	100	.....	1,196	·0333
Centiare, i. e. $\frac{1}{100}$ are ..	1	.....	119	·6033
			1	·1960

3.—MEASURES OF CAPACITY.

Metric denominations and value.	Equivalents in British denominations.							
	Cubic metres.	Quarters.	Bushels.	Pecks.	Gallons.	Quarts.	Pints.	Decimals.
Kilolitre, i. e. 1,000 litres.	1	3	3	2	0	0	0	·77
Hectolitre, i. e. 100 litres .	$\frac{1}{10}$	.....	2	3	0	0	0	·077
Decalitre, i. e. 10 litres ..	$\frac{1}{100}$	.....	.....	1	0	0	1	·6077
Litre	$\frac{1}{1000}$	.....	.....	.....	.....	.....	1	·76077
Decilitre, i. e. $\frac{1}{10}$ litre ..	$\frac{1}{10000}$	.....	.....	.....	.....	.....	0	·176077
Centilitre, i. e. $\frac{1}{100}$ litre..	$\frac{1}{100000}$	.....	.....	.....	.....	.....	0	·0176077

4.—WEIGHTS.

Metric denominations and values.		Equivalents in British denominations.							
	Grams.	Cwts.	Stones.	Pounds.	Ounces.	Drams.	Decimals.		
Millier	1,000,000	19	5	6	9	15	.04		
Quintal	100,000	1	7	10	7	6	.304		
Myriagram	10,000	.....	1	8	0	11	.8304	
Kilogram	1,000	{ (or 15,432.3487 grains).				2	3	4	.3830
Hectogram	100	.....	.....	.....	3	8	.4383
Decagram	10	.....	.....	.....	.....	5	.6438
Gram	1	.....	.....	.....	.....	0	.56438
Decigram	$\frac{1}{10}$	.....	.....	.....	.....	0	.056438
Centigram	$\frac{1}{100}$	.....	.....	.....	.....	0	.0056438
Milligram	$\frac{1}{1000}$	.....	.....	.....	.....	0	.00056438

CAP. XXV.

An Act to amend the Insolvent Act of 1869.

[Assented to 14th April 1.]

Preamble.
32, 33 V., c. 6.

WHEREAS, it is expedient to amend "The Insolvent Act of 1869;" Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sect. 1
amended.
Certain persons to be
deemed
Traders.

1. The first section of the said Act is hereby amended by adding thereto the following words:—"And persons shall be held to be traders, who having been traders and having incurred debts as such, which have not been barred by the Statutes of limitations or prescribed, have since ceased to trade; but no proceedings in compulsory liquidation shall be taken against any such person based upon any debt or debts contracted after he has so ceased to trade."

First meeting
of creditors.

2. The Board of Trade or Judge having authority to appoint Official Assignees may make an order from time to time either fixing the place for the first meeting of creditors, or allowing the Interim Assignee to use his discretion as to the place where he will call such meeting, provided, however, that the place of such meeting shall always be within the county or district wherein the Insolvent had his chief place of business.

3.

3. Notwithstanding anything contained in the fifty second Section of the said Act, if the remuneration of the Interim Assignee be not fixed at the first meeting of the Creditors of the Insolvent, his bill shall be taxed (after notice to the Assignee) by the Judge, at such sum as he shall deem reasonable if there be no tariff therefor : and the amount fixed as the remuneration of the Interim Assignee shall constitute a first privileged lien on the estate, and the payment thereof out of the first moneys received by the assignee from the proceeds of the estate, may be enforced by the Judge on a summary petition prior to all other charges.

Remuneration of Interim Assignee.

4. All oaths to be administered under the said Act, either to the Insolvent or to any other person to be examined touching his estate and effects, or to any witness upon any proceedings in Insolvency before the Judge or before the Court, may be administered by the Prothonotary or Clerk of the Court in like manner as by the Judge.

Oaths under the Act of 1869.

5. In addition to the Officials named in Sections one hundred and twenty two and one hundred and twenty three of the said Act, the Interim Assignee or Guardian in any proceedings in Insolvency, or any Justice of the Peace, may administer the oath to any Claimant or to any person desirous of making an affidavit to be used in Insolvency.

The same.

6. Section one hundred and forty five of the said Act is hereby amended by adding to the first sub-section thereof after the word "negligence," the following words, viz., "or if the debtor is confined in a 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 authorising and directing the Clerk of the Court for the County or district in which the debtor is confined, to take such examination, and it shall be the duty of the Clerk to take down such examination fully in writing and transmit the same under his hand forthwith to the Judge, and such Clerk shall be entitled to a fee of ten cents each folio of one hundred words of such evidence."

Section 145 amended. Examination of Insolvent.

7. In case of the sickness, or temporary absence from the County or District of the Interim Assignee, or Assignee, he shall, with the approval of the Judge, appoint a Deputy who shall act in his stead in all matters merely ministerial, with the same power or authority during such sickness or temporary absence, and for whose conduct in the discharge of his duty as such the Interim Assignee, or Assignee, and his sureties shall be responsible.

Interim Assignee may appoint a deputy for certain purposes.

8. Whenever security has been taken in the name of the President of the Board of Trade or judge, as provided by section thirty-two of the said Act, such President or Judge, after the expiration of one year from the termination of the duties in respect of which such security has been given, may discharge such security, after notice has been given by the insertion of advertisements in the manner provided

Discharge of security given under s. 32.

provided by section one hundred and seventeen of the said Act, of the intention of the person giving such security, to apply for such discharge.

Disqualifica-
tion of Judge
or Assignee
by relation-
ship.

9. The Judge, or the Assignee, as the case may be, shall be disqualified by relationship by blood or marriage within the degree of cousin-german to any litigant before him; in like manner as by the other causes mentioned in section one hundred and thirty-seven of the said Act; and such disqualification may be enforced, and the matter in dispute tried as provided by the said section.

Nomination
of Official
Assignees.

10. Notwithstanding any restriction as to time, mentioned in section thirty-one of the said Act, the Board of Trade at any place, or the Council thereof, may at any time or times, and whether a vacancy has occurred or not, name one or more persons to be official assignees.

Inconsistent
enactments
repealed.

11. All parts of the Insolvent Act of 1869, incompatible with the provisions of this Act, are hereby repealed.

CAP. XXVI.

An Act to authorize the sale or lease of the Rockwood Asylum to the Province of Ontario.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, it may be found expedient to sell or lease Rockwood Asylum and its appurtenances to the Province of Ontario; and it appears that the Commissioner of Public Works for that Province has been authorized to treat for the purchase or lease thereof: Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Negotiation
for sale or
lease of
Rockwood
Asylum
authorized.

1. The Governor in Council may authorize and instruct the Minister of Public Works, to treat with the Commissioner of Public Works for the Province of Ontario, for the sale or lease of Rockwood Asylum, and the land appurtenant thereto, and if the said Minister and Commissioner agree upon the terms of such sale or lease, and such terms are approved by the Governor in Council, the necessary measures may be adopted for giving effect to such agreement, subject to the approval of Parliament at its then next session.

CAP. XXVII.

An Act to prolong, for a certain time, the term allowed for the redemption of rents reserved on certain Indian lands in the Township of Dundee.

[Assented to 14th April, 1871.]

WHEREAS, it is expedient to prolong, for a limited time, the term allowed by the second section of 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, intituled, "An Act to change the tenure of the Indian lands in the Township of Dundee, in the County of Huntingdon," for the redemption of the rents therein mentioned; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

27, 28 V.,
cap. 68.

1. The term of five years from the passing of the Act cited in the Preamble to this Act, limited by the second section of the said Act for the redemption of the reserved rents therein mentioned, shall be, and is hereby extended to the end of two years from the passing of this Act, up to which period such redemption may be made on the same terms and with the same effect, as if made within the five years limited by the said section.

Time for
redemption of
rents ex-
tended.

2. If any lessee or assignee of a lessee of lands in the said Township of Dundee, for a term exceeding thirty years, desires to acquire by Patent a title to such land in fee simple, the Superintendent General of Indian Affairs may make a sale of such lands to such lessee or assignee, for such price as he may deem sufficient, but excepting from the valuation thereof, the increased value arising from the improvements made thereon; and upon payment of the purchase money a Patent in fee simple shall issue.

Sale of lands
to lessee, and
patent to
issue.

CAP. XXVIII.

An Act to authorize the sale of the Oakville Harbor.

[Assented to 14th April, 1871.]

WHEREAS, by an Act of the Legislature of the late Province of Upper Canada, made and passed in the ninth year of the reign of His late Majesty King George the Fourth, chaptered nineteen, William Chisholm, therein mentioned, was authorised to construct a Harbor at the entrance of the Sixteen Mile Creek into Lake Ontario, in the Township of Trafalgar, in the then District of Gore

Preamble.

Act of Upper
Canada 9 G. 4,
c. 19.

Construction
of Harbor
authorized.

Gore

Conditions. Gore, and to erect and build all such needful moles, piers, wharves, erections, buildings, and edifices, as should be useful and proper for the protection of the said Harbor, and for the accommodation of vessels entering and lying within the same, together with the right to demand or receive tolls, as in the said Act mentioned; *And it was* by the said Act now in recital, further enacted, that the said Act should continue in force for a space of fifty years from the time of the passing thereof, and from thence, to the end of the then next ensuing session of Parliament, at which time the estate, right, title, tolls and rates, of the said Harbor, together with the piers, wharves, waters, and navigation thereof, should vest in His Majesty, His Heirs and Successors, to and for the public use of the said late Province of Upper Canada, and at the disposition of the Parliament thereof, unless otherwise provided for by any Act of the Legislature, for that purpose, at any time thereafter.

Acts of U. C. 1 W. 4, c. 24
3 V., c. 50. *And Whereas*, under an Act of the Legislature of the late Province of Upper Canada, made and passed in the first year of the reign of His late Majesty King William the fourth, chaptered twenty-four, and under an Act of the Legislature of the said late Province of Upper Canada, made and passed in the third year of Her Majesty's reign chaptered fifty, the sum of two thousand five hundred pounds was loaned by the Government of the said Province to the said William Chisholm, for the purpose of the completion of the Harbor at, Oakville, being the same Harbor hereinbefore mentioned; *And it is*, by the last mentioned Act provided, that the said William Chisholm should execute an assignment, by way of mortgage, of the said Harbor, and the tolls thereof, to such persons as the Government might appoint, in trust to receive the tolls, and to pay the interest and principal, when the same should become payable as therein mentioned.

Loan for completion and conditions.

Mortgage to the Crown for the loan by Chisholm. *And Whereas*, in accordance therewith, by Indenture bearing date on or about the twenty-sixth day of March, in the year one thousand eight hundred and thirty-one, the said William Chisholm granted, bargained, sold and demised unto John Henry Dunn, Receiver General of the late Province of Upper Canada, the said Harbor and premises, and the tolls and profits thereof, to hold to and for the use of His Majesty, his heirs and successors, for the term of nine hundred and ninety-nine years, to secure the repayment of the sum of two thousand five hundred pounds, being the sum mentioned in the last above-mentioned Act.

Debt to the Crown. *And Whereas* there is now due to Her Majesty, upon the assignment and mortgage given by the said William Chisholm, under the two several Acts hereinbefore lastly above mentioned, large sums of money, for principal and interest thereunder secured.

Harbor would vest in the Crown in 1878 under 9 G. 4, c. 19. *And Whereas*, under the provisions of the Act first hereinbefore recited, the Estate, right, title, tolls, and rates of the said Harbor together with the piers, wharves, waters, and navigation thereof, will,

will, at the end of the Session of Parliament next ensuing the twenty-fifth day of March, in the year One thousand eight hundred and seventy eight (being fifty years from the time of the passing of the said first mentioned Act), vest in Her Majesty, her heirs, and successors, to and for the public use of Canada, and at the disposition of the Parliament thereof, unless otherwise provided for by any Act, for that purpose, to be enacted.

And Whereas it is expedient that the said Oakville Harbor, Sale expedient with its appurtenances and the rights as aforesaid, should be sold and disposed of, and the proceeds applied as hereinafter mentioned.

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

1. Her Majesty may at any time or times hereafter cause to be sold and disposed of, and may grant and convey, upon such terms as to price, payment and security as to the Governor in Council shall seem fit, and by separate sales and conveyances, and to the same or several purchasers as to him may seem most advisable,—

1stly, The remainder of the term granted as aforesaid to the said William Chisholm in the said Oakville Harbour and its appurtenances, and the tolls and other rights mentioned in the Acts cited in the preamble, and subject to the provisions and conditions in the said Acts contained, freed of and clear from the principal sum and all interest secured thereupon by the indenture of mortgage hereinbefore mentioned, and of any equity of redemption in respect thereof, and the proceeds of such sale shall be applied to or towards the payment of the principal and interest unpaid upon the said indenture, and so much thereof as shall be so applied shall form part of the Consolidated Revenue Fund of Canada, and if any balance of such proceeds be left thereafter, it shall be paid over to the said William Chisholm, his heirs, assigns, or legal representatives,—and 2ndly, The said Oakville Harbour and its appurtenances, and the tolls and other rights and privileges mentioned in the said Acts and granted to the said William Chisholm for the term therein limited, as the same would, at the expiration of the said term, vest in Her Majesty, her heirs and successors, under the provisions of the said Acts; and the proceeds of the said sale shall form part of the said Consolidated Revenue Fund of Canada.

Harbor and certain rights may be sold by the Crown.

The remainder of W. Chisholm's term. Conditions.

The harbour itself and right of toll.

2. The tolls to be imposed in respect of the use of the said harbor, piers, wharves, and appurtenances, shall, after the expiration of the said term, be from time to time submitted to the Governor, and no toll shall thereafter be collected unless the rate be first approved by the Governor in Council.

Tariff of tolls to be subject to approval by Governor in Council.

CAP. XXIX.

An Act to continue for a limited time the Acts therein mentioned.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS it is expedient to continue for a limited time the Acts hereinafter mentioned, which would otherwise expire at the end of the present Session; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act of the late Province of Canada, 4 and 5 V., c. 32, continued for one year.

1. The Act of the Parliament of the late Province of Canada, passed in the Session thereof held in the fourth and fifth years of Her Majesty's Reign, intituled: "An Act to encourage the establishment of and regulate Savings Banks in this Province," shall be and is hereby continued and shall remain in force as regards the Savings Banks now established and in operation under its provisions, until the first day of January, one thousand eight hundred and seventy-two, and from thence until the end of the next ensuing Session of the Parliament of Canada, and no longer.

Act 32, 33 Vict., cap. 3, as amended by 33 V., c. 3, continued for one year, subject to certain provisions. See cap. 16.

2. The Act of the Parliament of Canada passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chaptered three, and intituled "An Act for the temporary government of Rupert's Land and the North-Western Territory, when united with Canada," as amended by and subject to the provisions of the Act of the said Parliament, passed in the Session held in the thirty-third year of Her Majesty's Reign, chaptered three, and intituled "An Act to amend and continue the Act 32 and 33 Victoria, chapter 3, and to establish and provide for the government of the Province of Manitoba" is hereby continued to the first day of January, one thousand eight hundred and seventy-two, and from thence to the end of the then next ensuing Session of the Parliament of Canada, and no longer.

Not to affect any Act of the present Session, &c.

3. Nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, the Acts hereinbefore mentioned and continued, nor shall continue any provision or part of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

CAP. XXX.

An Act to make provision for the detention of female convicts in Reformatory Prisons in the Province of Quebec; and for other purposes relating to prisons in that Province.

[Assented to 14th April, 1871.]

WHEREAS, it appears that the Government of the Province of Quebec has made arrangements for the establishment of Reformatory Prisons for female convicts, either in separate buildings, or in separate portions of the Common Gaols for the districts of Montreal and Quebec respectively; and it is expedient to authorize the detention of female convicts therein, in the cases hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Whenever, after the coming into force of this Act, the Lieutenant Governor of the Province of Quebec shall have declared by Proclamation in the Official Gazette of that Province, that suitable arrangements have been made in any district in that Province, for the detention and proper government and discipline of female convicts in any separate building or separate portion of the Common Gaol in such district as a Reformatory Prison for such convicts, and that such separate building or portion of a Common Gaol shall be a Reformatory Prison for the purposes of this Act,—then whenever any female person shall thereafter be convicted in the said Province of any felony not capital, and for which she would without this Act be punishable by imprisonment for any term not less than two years but not exceeding seven years, then such female convict shall be punishable by imprisonment in the Female Reformatory Prison for any term less than seven, but not less than five years, and she may be sentenced to such imprisonment accordingly, although without this Act she might not be liable to imprisonment in the Penitentiary for so long a term as that for which she may be so sentenced to imprisonment in the Female Reformatory Prison.

2. And if after such Proclamation as aforesaid, any female person shall be convicted of any felony or misdemeanor punishable, without this Act, by imprisonment but not for any term so long as two years, or of any offence against 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 Vagrants*, then, unless it be proved that she has been previously convicted and imprisoned twice or oftener (each of such convictions being for some such felony, misdemeanor or offence, as aforesaid) such convict shall be asked, by the Judge, Recorder, Judge of a County Court, Judge of the Sessions of the Peace, Commissioner of

Preamble.

When Reformatory Prisons are established in the Province, certain female convicts may be sentenced to be detained therein.

And certain others after two convictions or by their own consent. 32, 33 V., c. 28.

of Police, District or Police or stipendiary Magistrate, Mayor, Warden, or the two Justices of the Peace, or other functionary before whom the conviction shall be had, whether she consents, instead of the imprisonment to which she may be otherwise liable, to be sentenced to imprisonment for a term of five years, in the Female Reformatory Prison; if she refuses to give such consent, sentence shall be passed upon her as if this Act had not been passed, but if she gives such consent, or it be proved that she has been twice convicted as aforesaid, the fact shall be duly recorded or entered on the proceedings in the case, and she shall be sentenced accordingly to imprisonment in the Female Reformatory Prison for a term of five years.

Every such sentence to include hard labor; and in what prison to be carried out.

3. Every sentence to imprisonment in the Female Reformatory Prison, shall include hard labour, whether it be or be not mentioned in the sentence; and if at the time of the passing of any such sentence, there be more than one Female Reformatory Prison in the said Province of Quebec, then the imprisonment under such sentence shall be in that one of such Reformatory Prisons which shall be in the same district as the place at which the sentence is passed, or if there is no Reformatory Prison in such district, then in the Reformatory Prison nearest to such place; but if there be not more than one such Reformatory Prison in the Province, then such imprisonment shall be in it; and in any case the Sheriff of the district in which the sentence is passed, or any person thereunto by him deputed, shall have the like powers for conveying the convict to the Reformatory Prison in which she is to be imprisoned, as any Sheriff has to convey any convict to the Penitentiary.

Power to convey prisoner to it.

Every such Prison to be a House of Correction, &c., under B. N. A. Act.

4. Each such Female Reformatory Prison as aforesaid shall be a House of Correction and Public Reformatory Prison, within the meaning of the sixth sub-section of the ninety-second section of the British North America Act, 1867, and subject to such laws as the Legislature of the Province of Quebec may make with respect to the establishment, maintenance and management thereof.

Convicts in common gaols may be employed outside the same.

5. And whereas it may be found expedient in the Province of Quebec, and to employ convicts sentenced to hard labour, being males, out of the walls or precincts of the prison in which they may have been sentenced to be confined: therefore, it is hereby provided and enacted, that it shall be lawful for any Sheriff or Gaoler in the said Province being thereunto authorized by the Lieutenant Governor thereof, or in such manner as any Act of the Legislature of the Province may provide, and under such regulations as the said Legislature may make or authorize to be made in that behalf, to employ any male convicts sentenced to hard labour in such prison, at hard labour outside the walls or precincts of such prison, and to exercise the same powers of restraint and discipline, and for preventing escape, while they are so outside of the said walls or precincts, as if they were inside the same, and whether their labour be so employed directly by the Government

Powers for preventing escapes, &c.

of

of the said Province, or by any contractor to whom such labour shall have been let or hired out by the said Government or by any competent authority ; and the sentence of any such male convict, whether pronounced before or after the passing of this Act, shall be understood to include such employment as aforesaid, and any time during which a convict shall be so employed, shall be reckoned as part of the term for which he was sentenced to be confined in such prison.

6. Every Common Gaol in the Province of Quebec, shall be (and shall be held to have been) a House of Correction, Reformatory Prison, and Place of Detention.

All Gaols in the Province to be Houses of Correction.

7. This Act shall come into force and take effect upon, from and after the first day of January, in the year one thousand eight hundred and seventy-two.

Commencement of Act.

CAP. XXXI.

An Act respecting certain officers of the Trinity House of Quebec.

[Assented to 14th April, 1871.]

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

Preamble.

1. So much of the Act passed by the Legislature of the late Province of Canada in the twelfth year of Her Majesty's reign, chapter one hundred and fourteen, intituled : "*An Act to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes,*" as enacts that the offices of Clerk and Treasurer of the said Corporation shall be held by separate persons, and so much of the said Act, or of any other Act passed by the Legislature of the said late Province of Canada as provides for or requires the appointment of two Superintendents of Pilots for and below the Harbor of Quebec, or of a Bailiff of the Trinity House of Quebec, or prescribes that any duty be performed by such Bailiff, and so much of the said Act or of any other Act of the Legislature of the said late Province as fixes the salary of any member or officer of the said Corporation, is hereby repealed.

Part of Act of Canada, 12 V. c. 114, &c., as repealed as to certain officers of Trinity House, Quebec.

2. The offices of Clerk and Treasurer of the said Corporation shall hereafter be held by one and the same person, who shall be called the Secretary-Treasurer of the Trinity House of Quebec, and shall be appointed by the Governor,

Clerk and Treasurer to be one.

Salaries of certain officers to be fixed by the Governor in Council.

3. The salaries of the Master of the Trinity House of Quebec, the Harbour Master of the Harbour of Quebec, the Superintendent of Pilots for and below the Harbour of Quebec, and the Secretary Treasurer of the Trinity House of Quebec, shall be such as the Governor in Council may from time to time appoint, but so as the annual amounts thereof shall not exceed one thousand dollars for the Master, twelve hundred dollars for the Superintendent of Pilots, sixteen hundred dollars for the Harbour Master, and sixteen hundred dollars for the Secretary Treasurer. The Wardens, other than the Master and the Superintendent of Pilots, shall not be entitled to any remuneration for their services.

Other Wardens not to be paid.

Commencement of this Act.

4. This Act shall commence and be in force upon, from and after the first day of July next; but Commissions under it, to take effect upon from and after that date, may be issued by the Governor at any time after the passing of this Act, and before its commencement.

CAP. XXXII.

An Act for more effectually preventing the desertion of Seamen in the Port of Quebec.

[Assented to 14th April, 1871.]

Preamble.

IN order to provide more effectually for the prevention of the desertion of Seamen in the Port of Quebec; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Imprisonment for offences against Con. Stat. Can., c. 43.

1. Any person convicted of any offence under either the first or the second section of the Act forming chapter forty-three of the Consolidated Statutes of Canada, entitled: "An Act for more effectually preventing the desertion of Seamen," may be imprisoned with or without hard labor for any period not exceeding six months nor less than three months in lieu of any penalty incurred by such offence under such section.

Penalty under sect. 3 of that Act,

2. The penalty and imprisonment mentioned in the third section of the said Act shall be incurred by any person found loitering near any vessel in the port of Quebec, and not giving a satisfactory account of his business there, whether such person be or be not at the time in a boat or other water craft.

And for offences under sect. 5.

3. Any person convicted of any offence under the fifth section of the above mentioned Act, may be imprisoned with or without hard labor for any period not exceeding sixty days nor less than thirty days, in lieu of any penalty incurred by such offence under such section.

CAP. XXXIII.

An Act to provide for the appointment of a Port Warden
for the Harbor of Quebec.

[Assented to 14th April, 1871.]

WHEREAS the increasing trade of the City and business of the Preamble.
harbor of Quebec render the office of Port Warden neces-
sary; Therefore, Her Majesty, by and with the advice and consent
of the Senate and House of Commons of Canada, enacts as
follows :—

1. There shall be at the City of Quebec an officer who shall be Office created.
designated the Port Warden of the Harbor of Quebec.

2. The appointment to the office shall be made by the Governor Governor in
in Council on the recommendation of the Board of Trade of Council to
Quebec, and the control of the office shall be in the Council of the appoint.
Board of Trade for the City of Quebec, which shall, in the present
year as soon as may be after the passing of this Act, and after this
year in the month of April in each year, appoint a Board of Board of
Examiners, five in number, who shall examine all candidates for Examiners of
the office of Port Warden, or such number of Deputy Port Candidates.
Wardens as the said Council may from time to time deem
necessary for the business of the Harbor, and upon the recom- Deputies :
mendation of the said Examiners, the Council shall make the how ap-
appointments of such Deputies. pointed.

3. The person so appointed to be Port Warden shall, before Oath of office.
acting as such, take and subscribe the following oath of office
before some Justice of the Peace for the District of Quebec, who
is hereby empowered to administer the same, and who shall have
the custody thereof:

“ I, A.B., do solemnly swear that I will faithfully and impartially, Form.
“ to the best of my judgment and ability, perform the duties of
“ the office of Port Warden of the Harbor of Quebec, without fear,
“ favor or affection for any person or party whomsoever.”

4. The Port Warden shall receive no fees whatever, other than Fees of Port
such as strictly appertain to the business of his office; all such Warden.
fees shall be recorded in his books, and he shall make a certified
annual return to the said Council of the Board of Trade, of the
receipts and expenses of his office.

5. The Port Warden, or any Deputy Port Warden, may be Removal for
removed for misconduct or neglect of duty at the instance or misconduct.
discretion of the Council of the Board of Trade; and the said
Board of Examiners shall make, and when they shall think it
necessary,

Regulations
to be made.

necessary, may repeal or amend all such rules and regulations, or by-laws, for regulating the office of Port Warden, as they may deem from time to time necessary, subject to the approval of the Council of the Board of Trade.

Port War-
den's office,
books, &c.

6. The Port Warden shall, at his own expense, keep an office always open, on lawful days, from nine a.m. till six p.m., during the season of navigation, and from ten a.m., till two p.m., during the remainder of the year, and shall have a seal of office, and the necessary books, in which all his acts as Port Warden, and those of his deputies, with their fees of office, shall be recorded in such manner as the Board of Examiners shall direct.

Duties as to
stowage of
cargo, &c.

7. It shall be the duty of the Port Warden or his deputy, on being notified and requested by any of the parties interested, to proceed in person on board of any vessel for the purpose of examining the condition and stowage of cargo; and if there be any goods damaged on board such vessel, he shall inquire, examine, and ascertain the cause or causes of such damage, and make a memorandum thereof, and enter the same in full on the books of his office.

Duties of
Masters of
vessels,
having
broken bulk
before arrival
in port.

8. The master of any vessel which has broken bulk for the purpose of lightening or other necessary purpose, previous to her arrival in the harbor of Quebec, shall, immediately on the discovery of any damaged cargo, proceed to hold a survey on the same in the manner herein prescribed, before the same shall be moved out of the place in which it was originally stowed; and if, after the arrival in port of any vessel from beyond the seas, which has not had occasion to lighten, break bulk, or otherwise discharge any portion of her cargo before coming into the harbour, the hatches of such vessel shall be first opened by any person not a Port Warden, and the cargo or any part thereof shall come from on board such ship in a damaged condition, these facts shall be *prima facie* evidence that such damage occurred in consequence of improper stowage or negligence on the part of the persons in charge of the vessel, and such default shall, until the contrary be shewn, be chargeable to the owner, master, or other person interested as part owner or master of the said vessel.

Inspecting
damaged
goods.

9. The Port Warden shall, when required, proceed to any ship, steamer or other vessel, warehouse, dwelling or wharf, and examine any merchandize, vessel, material, produce or other property, said to have been damaged on board any vessel, and enquire, examine, and ascertain the cause of such damage, make a memorandum thereof, and of such property, and record in the books of his office, a full and correct statement thereof.

Inspecting
vessels
having
received
damage, &c;

10. The Port Warden shall, when required, be surveyor on any vessel which may have suffered wreck or damage, or which shall be deemed unfit to proceed on her voyage; he shall examine the hull, spars, rigging, and all appurtenances thereof, shall specify what

what damage has occurred, and record in the books of the office a full and particular account of all surveys held on such vessel; he shall call to his assistance, if necessary, in such survey, one or more carpenters, sail-makers, riggers, shipwrights, or other persons skilled in their profession, who shall each be entitled to a fee not exceeding five dollars, to aid him in the examination and survey, but no such surveyor shall be interested in the case; the Port Warden shall also, if required, be surveyor of the repairs necessary to render such vessel seaworthy, and his certificate that these repairs have been properly made shall be evidence that the vessel is seaworthy.

Skilled Assistants if necessary.

Repairs.

11. The Port Warden shall have cognizance of all matters relating to the surveys of vessels and their cargoes arriving in port damaged, and when requested shall, on payment of the regular fee, give certificates of such surveys.

Surveys of vessels and cargoes.

12. The master of any vessel intending to load grain in bulk for any port not within the limits of inland navigation, nor within the Dominion of Canada, shall, before taking in any of such grain, notify the Port Warden from time to time, while the different chambers are being prepared, to survey and inspect the said vessel as well as the dunnage and lining boards; the Port Warden in such case shall ascertain whether such vessel is in a fit state to receive and carry the cargo intended for her to its destination; he shall record in his books the condition of the vessel; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render her seaworthy; before beginning to load each chamber he shall be careful to see that it is properly dunnaged and lined, and provided with shifting boards, and that the board and plank used for these purposes have been properly seasoned; he shall examine the pumps and see that they are properly lined and dunnaged; he shall enter in the books of his office all particulars connected with these surveys, and grant the necessary certificates.

Duties of masters and of Port Warden as to vessels taking grain in bulk.

13. It shall be the duty of the Port Warden, when required, to decide what amount of dunnage is necessary below cargo, and also between wheat and other grain, and the flour to be stowed over it, and his certificate that such dunnage has been used, shall be *prima facie* evidence of the good stowage of the cargo so far as these points are concerned.

Duties as to dunnage.

14. The Port Warden, if requested by any person having shipped cargo on board of a vessel, and at the expense of such person, shall proceed on board of such vessel and examine whether she is in a fit state to proceed to sea or not; if she is found unfit the Port Warden shall state in what particular, and shall notify the master not to leave the port until the required conditions have been fulfilled.

As to seaworthiness of vessels.

Value or measurement of vessels.

15. The Port Warden shall, when required, estimate the value and measurement of any vessel, when the same is in dispute or otherwise needed, and shall record the same in the books of his office.

Auctioneers selling vessels, materials &c., to report to Port Warden.

16. It shall be the duty of every auctioneer making a sale of any vessel condemned, or ships' materials, or goods damaged on board a ship or vessel, whether sea-going or of inland navigation, sold for benefit of underwriters or others concerned, in the harbor or City of Quebec, to file a statement of the same at the office of the Port Warden within ten days after such sale; no underwriters' sale shall take place until after at least two days' public advertisement in not less than two English and one French newspapers in the City of Quebec, and such sale shall not be at an hour earlier than eleven, nor later than three o'clock in the day.

Notice of such sale.

Disputes between master and consignee.

17. It shall be the duty of the Port Warden, when required in writing by all parties in interest, to hear and arbitrate upon any difficulty or matter in dispute between the Master or Consignee of any vessel, and any proprietor, shipper or consignee of the cargo, and to keep a record thereof.

Survey before sale of damaged vessel.

18. No goods, vessels or other property shall be sold as damaged for account of underwriters, unless a regular survey and condemnation has previously been had, and the Port Warden shall in all such cases be one of the surveyors.

Notice to parties.

19. Before proceeding to act in any case in the performance of his duties, the Port Warden shall give reasonable notice to all parties interested or concerned in the case.

Time for notice.

20. All notices, requests, or requirements to, or from the Port Warden, must be given in writing and a reasonable time before action is required.

Certificates.

21. On the demand of any party interested, the Port Warden shall furnish certificates in writing, under his hand, of any matters of record in his office; he shall also furnish when required, copies of any entries in his books, or documents filed in his office.

Copies of regulations.

22. On application, the Port Warden shall supply, to any master of a vessel arriving in the Port of Quebec, a copy of the regulations relating to the office of Port Warden, once in each year.

Lloyd's regulations to apply.

23. In all matters regarding surveys, &c., the Port Warden shall conform to, and be governed by the regulations of Lloyd's, so far as they are applicable to the Port of Quebec, and to the circumstances of the case.

Disputes between Port Warden and parties, how decided.

24. Should any dispute arise between the Port Warden and any party interested, in any case where his presence has been required, either party may appeal to the Council of the Quebec Board of

of Trade, and it shall be the duty of the Secretary of the said Board of Trade, on a requisition being presented to him to that effect, to summon forthwith a meeting of the said Council, who, or not less than three of them, shall immediately investigate and report on the case submitted to them, and their determination or that of a majority of them, made in writing, shall be final and conclusive.

25. The party against whom the Council of the Board of Trade decide shall pay all the expenses, and the Council shall determine the amount of fees or charges payable in each case, which shall never exceed twenty dollars. Costs, how fixed, &c.

26. All certificates issued under the hand of the Port Warden or his Deputy, and sealed with the seal of his office, referring to matters recorded in his books, shall be received as *prima facie* evidence of the existence and contents of such record, in any court in Canada. Certificates to be evidence.

27. The Council of the Board of Trade for the City of Quebec may, from time to time, establish a tariff of fees to be paid to the Port Warden for services performed by him and his deputies, by the masters or owners of sea-going vessels, and by others in respect of whom the duties of the said Port Warden are required to be performed; which tariff, being first approved by the Governor in Council, shall be in force until repealed or altered by the said Governor in Council, or by the said Council of the Board of Trade, as it may be at any time, with the approval of the Governor in Council; but such fees shall not exceed the rates hereinafter mentioned, that is to say:— Tariff of fees.

1. For every survey and the certificate thereof by the Port Warden and his assistant, of the hatches and cargo of any vessel, or of the hull, spars and rigging thereof, or the survey of damaged goods, a fee, including the certificate thereof, not exceeding eight dollars each, and such further sum, not exceeding five dollars, as may be payable to shipwrights or other skilled persons employed by him. For survey and certificate.

2. For every valuation of a vessel for average, and every inspection of a vessel intended to load, a fee to be graduated according to the tonnage of such vessel, but not in any case to exceed ten dollars. For valuation and inspection.

3. For hearing and settling disputes of which the Port Warden is authorized to take cognizance, and for the fees on appeal to the Council of the Quebec Board of Trade, a sum to be graduated according to the value of the thing or the amount in dispute, but in no case to exceed twenty dollars. For settling disputes.

4. The foregoing maximum rates, comprehending the fees for the incidental proceedings, certificates and copies, may be altered and Fees may be altered and apportioned.
and

Must be approved by Governor in Council.

and apportioned, and the particular service distinguished, and the fee therefor assigned, and the person by whom the same shall be paid, may be indicated in such way as the Council of the Board of Trade may from time to time appoint; and all rates and fees so established shall be subject to the approval of the Governor in Council, who shall have power from time to time to reject or modify and alter such fees and rates.

Board of Trade may fix salary.

28. The Council of the Board of Trade may, if they see fit, at any time, fix and appoint a salary to the Port Warden, to include his own remuneration and that of his deputies and his expenses of office or otherwise, as may be arranged; and for any period during which the Port Warden shall be paid by salary, such balance as may appear by his certified annual return, to be in his hands over and above his salary (or over and above his salary, that of his deputies and his expenses of office, if the same are not included in his salary), shall be forthwith paid by the said Port Warden to such person as the Board of Trade shall depute to receive the same.

Penalties for contravention of this Act.

29. The penalty for any and every infraction or breach of the twelfth section of this Act, shall be the sum of Forty dollars; and for every infraction or breach of the sixteenth section of this Act, the sum of Twenty dollars; and any and every such penalty as aforesaid, shall be recoverable in the manner prescribed by the Interpretation Act, in cases where penalties are imposed, and the recovery is not otherwise provided for.

Books, &c., and yearly report.

30. The Port Warden shall keep such books and accounts, and shall report yearly to such department or officer, and at such time in each year, and in such form, and with such accounts and details, as the Governor may, from time to time, direct.

CAP. XXXIV.

An Act further to amend the Acts respecting the improvement and management of the Harbor of Quebec.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, the power of the Quebec Harbor Commissioners of borrowingsums of money and issuing debentures, is limited by the fourth section of the Act of the Parliament of Canada, 31 Victoria, Chapter 79, to the amount of eight hundred thousand dollars in the whole, and whereas they have issued such debentures to the amount of six hundred and eighty-four thousand six hundred dollars; and whereas the said Commissioners have by their petition

petition represented that it would be favorable to the reduction of the rate of interest payable by the said Commissioners, if they were authorized to issue, out of the amount they are authorized to issue as before mentioned, preferential bonds or debentures for an amount not exceeding one hundred thousand dollars at a rate not exceeding six percent. *per annum*, and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said Commissioners are hereby authorized to issue under the hands of three of the said Commissioners, debentures, to be countersigned by the Secretary of the said Corporation, for a sum not exceeding in the aggregate one hundred thousand dollars, and to make the same payable to the bearer thereof, for such amounts, and at such time, as may be agreed on, with interest payable semi-annually, not exceeding six per cent *per annum*, with coupons for such interest annexed, signed by one of the Commissioners, and countersigned by the said Secretary, and such debentures may be recalled and others issued in their stead as aforesaid with coupons; provided that no such issue of preferential debentures shall take place, before such issue has been duly approved by a majority of the bondholders of the said Corporation present at a special general meeting of the said bondholders called for that purpose by the said Quebec Harbor Commissioners.

Commissioners may issue debentures for \$100,000 at 6 per cent.

Proviso for approval by bondholders.

2. The said debentures and coupons to be issued under the preceding section shall be paid out of the revenue arising from the dues, tolls, and other revenues and profits collected and received by the said Commissioners, and shall rank immediately after the payment of expenses of collection and other prior charges authorized by law, but shall have precedence over the other debentures and coupons of the said Corporation.

Such debentures to be preferential.

3. The said Commissioners are also authorized to issue certificates to replace the coupons or part of the coupons for arrears of interest on the debentures previously issued, which certificates shall be binding in the same manner as the coupons so replaced, but shall create no privilege or preference.

Certificates in place of unpaid coupons of former debentures.

4. Nothing in this Act contained shall affect or diminish any rights of any existing creditors of the Corporation other than a bondholder as aforesaid, or any right of any bondholder founded on any judgment obtained or on any suit pending before the passing of this Act.

Existing rights saved.

5. This Act shall be construed as one Act with the Act of the Parliament of the late Province of Canada, twenty-two Victoria, Chapter thirty-two, intituled "An Act to provide for the Improvement and Management of the Harbor of Quebec," and the Acts amending the same.

This Act to be one with 22 Vic., c. 32.

CAP. XXXV.

An Act to extend the provisions of the Act authorizing the imposition and collection of Harbor Dues by the Corporation of the Town of Owen Sound.

[Assented to 14th April, 1871.]

Preamble.
Act of Canada 24 V., c
63.

WHEREAS, by an Act passed by the Legislature of the late Province of Canada, in the twenty-fourth year of Her Majesty's Reign, chapter sixty-three, entitled "An Act to authorize the Corporation of the Town of Owen Sound to impose and collect certain tolls, and for other purposes," the said Corporation is empowered to pass By-laws for the imposition and collection of certain tolls in the said Act specified; And whereas, by a proviso to the first section of the said Act, it is provided that the power to collect such tolls shall cease in ten years after the passing of the said Act; and it is expedient to extend the time for such collection; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:--

Time for imposing tolls extended.

1. The said Proviso shall be, and is hereby repealed, and the time for such imposition and collection of tolls shall be extended and continued for a period of twenty years from and after the passing hereof.

Works to be subject to any general law. Tolls may be revised.

2. The said harbour and the works thereof shall be subject to the provisions of any Act or Acts of the Parliament of Canada, which may be passed hereafter for the construction, improvement, regulation, or maintenance of Harbours: and the tariff of tolls in the said Act mentioned, shall be subject to the revision and approval, from time to time, of the Governor General in Council.

CAP. XXXVI.

An Act to authorize the incorporated Village of Trenton to impose and collect Harbor Dues, and for other purposes.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, the Village of Trenton has incurred large expense in the building of Piers, in the making of Booms, and other improvements in the Harbor within the limits of the said Village, and the Corporation of the said Village have petitioned that an Act be passed to authorize them to pass a By-law or By-laws for the imposition and collection of Harbor Dues, Rents, or Tolls upon Goods, Wares,

Wares, Merchandise, or Chattels shipped on or landed from any Vessel or Steamboat within the said harbor, and for the imposition and collection of Dues or Tolls upon Saw-logs, Sawn Lumber, Square Lumber, Square and Round Timber, Cedar Railway Ties, Hoop and Hop Poles, Floats of all kinds, Barrel Heading, Wood long or short, Staves and Stave Bolts, coming down the River Trent within the limits of the said Corporation, for the purpose of enabling them to provide a fund for the purpose of further improving said Piers, Booms, and otherwise improving the said Harbor as may be required from time to time for the maintenance of the same, and it is expedient to grant the prayer of the said petition; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Corporation of the incorporated Village of Trenton is hereby authorized and empowered to pass a By-law or By-laws for the imposition and collection of Harbour Dues or Tolls, to be employed, after the expense of collection, for the purpose of assisting in repairing Booms, Piers, and other necessary repairs to improve the said harbor within the limits of the said incorporated Village, and to provide a fund for the maintenance and improvement of the said harbor and works connected therewith, on all goods, wares, merchandise and chattels shipped on board of or landed from any vessel, steamboat or any other craft within the limits of the said harbor, or elsewhere within the limits of the said Corporation, and upon all saw-logs, sawn timber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, staves and stave bolts coming down the River Trent, within the said Corporation.

Power to impose Tolls for certain purposes.

2. Before any by-law or by-laws to be passed under the first section of this Act, or any tariff or schedule of fees or dues imposed thereby, shall have any force or effect, the said by-law or by-laws and the said schedule or tariff shall be approved by the Governor in Council.

Subject to approval by Governor in Council.

3. If any person or persons neglect or refuse to pay the tolls or dues to be imposed under this Act, or any by-law that may be passed under the authority thereof, the said Corporation or their officer, clerk, servant, agent, or lessee, may seize and detain the goods wares, merchandise and chattels, saw-logs, sawn lumber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, staves and stave bolts, on which the same are due and payable, until such tolls or dues are paid; and if the same be unpaid after the space of thirty days after such seizure, the said Corporation, or their officer, clerk, servant or lessee as aforesaid, may sell and dispose of the said goods, wares, merchandise, chattels, saw-logs, sawn lumber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, staves and stave bolts, or such part thereof as may be necessary to pay the said tolls or dues, and the reasonable cost and charges of keeping and selling the same

Power to enforce payment, by sale of articles subject to toll.

by

by public auction, giving ten days notice thereof, and returning the surplus, if any, to the owner or owners thereof.

Vessel to be liable.

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

Certain powers of Corporation not affected:

5. Nothing in this Act contained shall affect any of the powers given to the said Corporation by any Act now in force, authorizing them to pass by-laws for the regulation and management of the said harbor.

Works to be subject to any general Acts.

6. The said harbour and works thereof shall be subject to the provisions of any Act or Acts which may be passed hereafter, for the construction, improvement, regulation, or maintenance of harbors.

CAP. XXXVII.

An Act to amend and explain the Act to amend the Charter of the Ontario Bank.

[Assented to 14th April, 1871.]

Preamble.

32. 33 V., c.

WHEREAS, the President, Directors, and Company of the Ontario Bank have, by their Petition, prayed that the Act passed in the Session held in the thirty-second and thirty-third years of the Reign of Her Majesty, intituled: "An Act to amend the Charter of the Ontario Bank," may be explained and amended; 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:—

Special Meeting to consider removal of head office.

1. Whenever a requisition in writing signed by one fourth in number and in value of the Shareholders of the said Bank, shall be presented to the Directors of the said Bank, praying them to call a meeting to consider the removal of the head office of the said Bank from Bowmanville, it shall be the duty of the Directors to call such meeting, to be held at Bowmanville within three months after the receipt of such requisition, by advertisement, to be continued weekly until such meeting is held, in the "Canada Gazette," and also in one paper published in the Cities of Toronto and Montreal, and the Town of Bowmanville respectively, and such advertisement shall state that such requisition has been received, and such meeting has been called to consider the same.

2. The Shareholders at such meeting shall vote by ballot, in the proportion of one vote for each share, but no Shareholder shall be entitled to vote who shall not have held his stock, registered on the books of the Bank, at least three months before the day of such meeting. Votes at such meeting.

3. No removal of the head office of the said Bank from Bowmanville shall take place unless a majority of all the Shareholders present in person or by proxy at such meeting as aforesaid, shall, by their vote to be taken as aforesaid, agree upon the place to which such head office shall be removed. Conditions on which removal may take place.

4. If at such meeting it shall be decided that the head office of the said Bank shall be removed from Bowmanville to another place, such removal shall, nevertheless, not take place until one year after the first day of June following such meeting. Time for removal if ordered.

5. All portions of the Act recited in the Preamble to this Act, inconsistent with this Act, are hereby repealed. Public Act.

CAP. XXXVIII.

An Act relating to the Commercial Bank of New Brunswick.

[Assented to 14th April, 1871.]

WHEREAS, the Commercial Bank of New Brunswick has for some years past ceased its operations and business, and has paid off all bills and notes issued by the Bank so far as they have been presented for payment, and the Directors of the said Bank are desirous of winding up and closing its concerns, and of distributing the surplus assets of the Bank (if any) among the stockholders; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. A notice of the passing of this Act, and of the intended closing of the concerns of the Bank, shall be published for twelve months in the Royal Gazette of the Province of New Brunswick, and in the *Saint John Daily Telegraph and Morning Journal* and the *Morning Freeman*, published at the City of Saint John, New Brunswick, and in the *Union Advocate*, published at the Town of Newcastle, Miramichi, New Brunswick, in which notice, all persons holding any bills or notes of the said Bank, or having any just and legal claims or demands against the said Bank, shall be required to present the same within twelve months from the date of such notice to the President of the said Bank at the City of Saint John. Notice of closing to be published in the Royal Gazette.

Final distribution of assets, how and when to be made.

2. After the expiration of such period, and the full payment of all bills or notes, and just and legal claims and demands so presented, the President and Directors of the said Bank may forthwith make final distribution of the surplus of the funds (if any) realized from the assets of the said Bank, among the stockholders in proportion to their amount of stock, first, however, deducting therefrom a sufficient sum to pay any debts not claimed, but appearing by the books of the Bank to be due.

Reservation.

Liability of Stockholders to cease at the end of the period fixed by the Statute of Limitations.

3. The Statute of limitations shall commence to run, in respect of all outstanding bills or notes of or claims or demands against the said Bank, from the tenth day of November, 1868, and from and after the expiration of the period limited by such Statute the said Commercial Bank and the stockholders thereof shall be released from any further liability to the creditors of the said Bank, at law or in equity or otherwise howsoever, in respect of any bills, notes, claims, or demands whatsoever not so presented within such period as aforesaid, and all such bills, notes, claims, and demands not so presented shall become void and of none effect; and whenever any debt for the payment whereof part of the surplus funds has been reserved under the next preceding section, becomes barred by the said Statute, the sum provided to pay such debt may be distributed in the manner provided by the said section as respects other moneys forming part of the said surplus fund.

CAP. XXXIX.

An Act to incorporate the Metropolitan Bank.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS Samuel Waddell, Maurice Cuvillier, M. P. Ryan, Henry Hogan, Adolphe Caron, and others, have, by their Petition, prayed that they might be incorporated for the purpose of establishing a Bank in the City of Montreal, in the Province of Quebec; and whereas it is desirable to grant the prayer of their Petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the Corporation to be by this Act created, and their assigns, shall be, and they are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of the "Metropolitan Bank."

Corporate name.

2. The Capital Stock of the said Bank shall be one million of dollars, divided into ten thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns.

Capital and
Shares.

3. For the purpose of organizing the said Bank, and of raising the amount of the said Capital Stock, the persons hereinbefore mentioned shall be Provisional Directors thereof, and they or the majority of them may cause stock books to be opened after giving due public notice thereof; upon which stock books shall and may be received the signatures and subscriptions of such parties or persons as desire to become Shareholders in the said Bank; and such books shall be opened at Montreal aforesaid and elsewhere, at the discretion of the Provisional Directors, and shall be kept open so long as they shall deem necessary; and so soon as five hundred thousand dollars of the Capital Stock shall have been subscribed upon the said stock books, and one hundred thousand dollars thereof actually paid into some one of the present Chartered Banks in Canada, a public meeting shall be called of the subscribers thereof, by notice published at least two weeks in two newspapers of the said City of Montreal, such meeting to be held in Montreal aforesaid, at such time as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said Corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the second Tuesday in March, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected; and immediately upon such election being had the functions of the said Provisional Directors shall cease.

Provisional
Directors :
Opening
books, &c.

General meet-
ing and elec-
tion of Di-
rectors.

4. The chief place or seat of business of the said Corporation, shall be in the City of Montreal.

Chief seat of
business.

5. The Act passed during the present session of Parliament, intituled "An Act relating to Banks and Banking," and all the provisions thereof, shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting so far as such provisions may relate only to Banks already in existence, or to Banks *en commandite*.

General Act
of present
Session, c. 5,
to apply.

6. This Act shall remain in force until the first day of July, in the year of our Lord 1881.

Duration of
this Act.

CAP. XL.

An Act to incorporate the Bedford District Bank.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS the persons hereinafter named, and others, by their petition have prayed that they may be incorporated for the purpose of establishing a Bank in the District of Bedford, in the Province of Quebec, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The Honorable Christopher Dunkin, the Honorable Asa Belknap Foster, the Hon. Thomas Wood, and George B. Baker, Nathaniel Pettes, Hiram Sewell Foster, James O'Halloran, Asa Frary, Frederick A. Cutter, S. H. C. Miner, Edmund L. Chandler, George C. V. Buchanan, George C. Dyer, George Henry Boright, William P. Carter, Joseph Lefebvre, Thomas A. Knowlton, Benjamin A. Haskell, Wm. Meade Pattison, Charles H. Boright, Thomas Selby, William S. Baker, and Jacob N. Galer, Esquires, and such others as shall become shareholders in the corporation hereby constituted, and their respective heirs, executors, administrators and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name, by and under the name, style and title of the "Bedford District Bank;" and as such shall have succession and a common seal, with power to break, change and alter the same at pleasure, and also with power to acquire and hold immoveable estate for the management of its business, not exceeding the yearly value of eight thousand dollars currency, and to sell and alienate the same and acquire other instead thereof, and also with all other powers incident to and necessary for the purposes hereinafter declared.

Corporate name and general powers.

Capital and shares.

2. The Capital Stock of the said Bank shall be five hundred thousand dollars, divided into ten thousand shares of fifty dollars each, which said shares shall be vested in the several persons who shall hereafter subscribe for or acquire the same, their heirs, legal representatives and assigns.

Stock books to be opened.

3. For the purpose of raising the amount of the said capital stock, the persons above named, or the majority of them, may cause stock books to be opened at such times and places as they or such majority of them may deem expedient, and after four weeks' notice thereof in two newspapers published in or near to the said district of Bedford, to receive subscriptions for such stock; and so soon as the said stock shall be subscribed, and one hundred thousand dollars thereof paid in, a meeting of such subscribers shall be called in like manner at such place in the said District of Bedford

First general meeting and election of Directors.

ford as may be deemed convenient for the election of Directors and for the organization of the Bank. And at such meeting such subscribers shall proceed to elect directors; and the Bank may thereupon issue its notes and carry on business as such; Provided that at least one hundred thousand dollars additional shall be paid up within three years from the date when the Bank commences business. Proviso.

4. The chief place or seat of business of the said Bank shall be at Waterloo, or at such other place within the District of Bedford as the shareholders thereof at their first meeting may fix and determine. Chief seat of business.

5. The Act passed during the present session of Parliament, intituled "An Act relating to Banks and Banking," and all the provisions thereof, shall apply to the Bank hereby incorporated in the same manner as if the same were expressly incorporated with this Act, excepting in so far as such provisions relate to Banks already in existence, or to Banks *en commandite*; or are hereby derogated from. General Act of present Session, c. 5, to apply.

6. This Act shall remain in force until the first day of July, in the year of our Lord 1881. Duration of Act.

CAP. XLI.

An Act to incorporate the Western Bank.

[Assented to 14th April, 1871.]

WHEREAS, Samuel M. Ryerson, Thomas Killam, John Young, Benjamin Killam, Nathan Moses, Samuel Killam, and Byron P. Ladd, have, by their Petition, prayed that they may be incorporated for the purpose of establishing a Bank in the Town of Yarmouth; and whereas, such establishment would greatly promote the commercial and manufacturing interests of the said locality; and whereas, it is expedient that the said persons, and others who may associate with them, should be incorporated for the said purpose; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Samuel M. Ryerson, Thomas Killam, John Young, Benjamin Killam, Nathan Moses, Samuel Killam, Byron P. Ladd, and such other persons as may become shareholders in the Corporation to be by this Act created, shall be and are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of "The Western Bank," and the chief office of the Bank shall be in Yarmouth, in the Province of Nova Scotia. Incorporation corporate name, and chief place of business.

Capital Stock
and shares.

2. The Capital Stock of the Bank shall be five hundred thousand dollars of lawful money of Canada, divided into five thousand shares of one hundred dollars each.

Provisional
Directors and
books, &c.

3. The above mentioned Samuel M. Ryerson, Thomas Killam, John Young, Samuel Killam, and Byron P. Ladd shall be Provisional Directors, for the purpose of organizing the said Bank, and they, or the majority of them, may cause stock books to be opened, after giving public notice thereof, upon which stock books may be recorded the subscriptions of such persons as desire to become shareholders in the said Bank, and such books shall be kept open at Yarmouth and elsewhere, at the discretion of the said Provisional Directors, as long as they deem necessary; and as soon as the said Capital Stock is subscribed, and one hundred thousand dollars thereof paid in, it shall be lawful for the said Provisional Directors, on giving due notice thereof in one or more newspapers published in Yarmouth, and one newspaper published in the city of St. John, New Brunswick, to call a meeting of the subscribers, to be held at some place to be named in such notice, in the Town of Yarmouth, for the purpose of electing Directors and for other purposes connected with the said Bank, and such election shall be made then and there by a majority of shares voted upon, by ballot.

General meet-
ing for first
election of
Directors.

Votes.

Bank to be
subject to any
general Act.

4. The Bank shall be subject to any general regulations respecting Banking, now in force or which may be made during the present or any future session, by the Parliament of Canada, and shall have such powers and privileges as may be conferred by such regulations.

Duration of
Act.

5. This Act shall remain in force until the first day of July, in the year of our Lord 1881.

CAP. XLII.

An Act to incorporate the Bank of Liverpool.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS James Collic, John G. Moreton, Charles E. Moreton, Sylvanus Morcton, John D. McClearn, Thomas W. Spencer, Thomas Rees, John H. Mulhall, B. O. DeWolf, and others, have, by their Petition prayed that they may be incorporated for the purpose of establishing a Bank in the Town of Liverpool; and, whereas, such establishment would greatly promote the commercial and manufacturing interests of the said locality; and it is just that the said persons, and others who may associate with them, should be incorporated for the said purpose; Therefore, Her Majesty,

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

1. James Collie, John G. Moreton, Charles E. Moreton, Sylvanus Moreton, John D. McClearn, Thomas W. Spencer, Thomas Rees, John H. Mulhall, B. O. DeWolf, and such other persons as may become shareholders in the Company to be by this Act created, shall be and are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of "The Bank of Liverpool," and the chief office of the Bank shall be at Liverpool, in the Province of Nova Scotia.

Incorporation.
Name and chief place of business.

2. The Capital Stock of the said Bank shall be five hundred thousand dollars of lawful money of Canada, divided into shares of one hundred dollars each.

Capital and shares.

3. The above mentioned James Collie, Sylvanus Moreton, John D. McClearn, Thomas W. Spencer, John H. Mulhall, John G. Moreton, and B. O. DeWolf, shall be Provisional Directors, for the purpose of organizing the said Bank, and they, or the majority of them, may cause stock books to be opened, after giving public notice thereof, upon which stock books may be recorded the subscriptions of such persons as desire to become shareholders in the said Bank, and such books shall be kept open at Liverpool aforesaid and elsewhere, at the discretion of the said Provisional Directors, as long as they deem necessary; and as soon as the whole of the said capital stock shall have been subscribed, and one hundred thousand dollars thereof paid in, it shall be lawful for the said Provisional Directors, on giving due notice thereof in one or more newspapers published in Liverpool, and one newspaper published in the City of Halifax, to call a meeting of the subscribers, to be held at some place to be named in such notice, in the Town of Liverpool, for the purpose of electing Directors and for other purposes connected with the said Bank, and such election shall be made then and there by a majority of shares voted upon, by ballot. Provided that at least one hundred thousand dollars additional shall be paid up within three years from the date when the Bank commenced business.

Provisional Directors and stock books.

First meeting for election of Directors.

Votes.

Proviso.

4. The Bank shall be subject to any general regulations respecting Banking, now in force or which may hereafter be made by the Parliament of Canada, and shall have such powers and privileges as may be conferred by such regulations.

Bank to be subject to any general Act.

5. This Act shall remain in force until the first day of July, 1881.

Duration of Act.

CAP. XLIII.

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.*

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, it may happen that a Railway Company whose Railway is subject to the Legislative authority of the Parliament of Canada, as connecting one Province in the Dominion with another or others, or as extending beyond the limits of one Province, or as having been declared by Parliament to be for the general advantage of Canada, or for the advantage of two or more Provinces, may, from the increase of the traffic on such Railway and those connecting with it, require at certain stations or places, more ample space for the proper accommodation of such traffic and of the public, than they now possess, or than they can take or acquire under the Act or Acts incorporating or applying to such Company, and it is necessary in the public interest and for the extension of the commerce of the Dominion, that the most ample accommodation should be furnished for such traffic; And whereas it is also expedient to make certain amendments to *The Railway Act, 1868*; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Proceeding when more space is required for the accommodation of the traffic at any station or place.

1. Whenever any Railway Company subject for any of the causes mentioned in the preamble to the Legislative authority of the Parliament of Canada, (and whether *The Railway Act, 1868*, does or does 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 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 *The Railway Act, 1868*), 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

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.

2. 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.

Certificate of Commissioner of Public Works required.

3. 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 *The Railway Act*, 1868, 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 auction after thirty days notice thereof in any local newspaper.

Effect of such certificate, and application of certain provisions of the Railway Act to the land certified as necessary.

Sale of land taken and not afterwards required.

4. 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.

Proof of certificate.

5. Sub-section four of section twenty of *The Railway Act*, 1868, is hereby amended, by adding thereto, after the word "Company" therein, the following words:

Sub-section 4, of s. 20, of 31 V., c. 68, amended.

"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."

Duty of Com-
pany as to
passenger
trains de-
layed.

6. It shall be the duty of every Railway Company, when any passenger train shall be overdue for half an hour at any station, according to the time table of such Company, to put up on the outside of the Station House over the platform of the station in some conspicuous place, a written or printed notice signed by the Station Master, stating to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station; and every Railway Company shall be liable to an action by any passenger awaiting the train at such station, for any neglect or omission of this duty, in which action full costs of suit may be recovered.

To what
railways this
Act applies.

7. The provisions of this Act shall apply to every Railway Company heretofore, or which may be hereafter incorporated, and to every Railway heretofore constructed, or now in course of construction or hereafter to be constructed, as well as to those Railways and Railway Companies to which the said *The Railway Act, 1868*, is by its provisions declared to be applicable.

CAP. XLIV.

An Act to comprise in one Act the Financial Affairs of the Great Western Railway Company.

[Assented to 14th April, 1871.]

Recital of the
powers of the
Company to
raisemoneyon
Share and
Stock Capital.

WHEREAS the Capital which the Great Western Railway Company, at the time of the passing of this Act, were enabled by various Acts to raise by shares, stock, and loans, is as follows:—

Acts of the
late Province
of Canada,
8 Vic., c. 86.

By an Act of the Legislature of the late Province of Canada, passed in the Eighth year of Her Majesty's reign, chaptered 86, and entitled "An Act to revive certain provisions of the Act incorporating The Great Western Railway Company, and to enable them to carry on that work," which received the Royal Assent on the 29th March, 1845, the sum of Six Millions of Dollars, in Sixty Thousand shares of One Hundred Dollars each.

16 Vic., c. 44. By an Act of the said Legislature passed in the Sixteenth year of Her Majesty's reign, chaptered 44, and entitled "An Act to incorporate the "Hamilton and Toronto Railway Company," which received the Royal Assent, on the 10th November, 1852, the sum of One Million and Eight Hundred Thousand Dollars, in Eighteen Thousand shares of One Hundred Dollars each, and Four Hundred Thousand Dollars by loan.

By

By an Act of the said Legislature passed in the Sixteenth year of Her Majesty's reign, chaptered 99, and entitled "An Act to increase the capital stock of the Great Western Railroad Company, and to alter the name of the said Company," which received the Royal Assent on the 22nd April, 1853, the sum of Two Millions of Dollars, in Twenty Thousand shares of One Hundred Dollars each, and an unlimited sum by loan. 16 Vic., c. 99.

By an Act of the said Legislature passed in the Sixteenth year of Her Majesty's reign, chaptered 101, and entitled "An Act to incorporate the London and Port Sarnia Railway Company," which received the Royal Assent on the 22nd April, 1853, the sum of Two Millions of Dollars in Twenty Thousand shares of One Hundred Dollars each, and an unlimited sum by loan. 16 Vic., c. 101.

By an Act of the said Legislature passed in the Eighteenth year of Her Majesty's reign, chaptered 176, and entitled, "An Act to enable the Great Western Railway Company to construct a Branch Railway to the Town of Brantford, and for other purposes therein mentioned," which received the Royal Assent on the 19th May, 1855, the sum of Six Millions of Dollars, in Sixty Thousand shares of One Hundred Dollars each, or by loan, by the issue of bonds instead of shares, or by the issue of shares with guaranteed or preferred dividends. 18 Vic., c. 176.

By an Act of the said Legislature passed in the twenty-second year of Her Majesty's reign, chaptered 116, and entitled, "An Act to amend the Acts of Incorporation of the Great Western Railway Company," which received the Royal Assent on the 16th August, 1858, and amended and explained by an Act of the Parliament of the Dominion of Canada passed in the 32nd and 33rd years of Her Majesty's reign, and chaptered sixty-two, entitled, "An Act to enable the holders of preference shares in the Great Western Railway Company, to convert them into ordinary shares at their option," which received the Royal Assent on the 22nd June, 1869, the sum of Eight Millions of Dollars, in shares of such an amount as the Directors of the Company from time to time may determine, or by way of guaranteed or preferred shares or stock, and by loan by the issue of Perpetual Debenture stock, an amount equal to the sum then required to pay off the Government loan; and by which Acts also the powers conferred by previous Acts to borrow or raise money on the Terminable Bonds of the Company were limited to one-half of the amount of the authorized Capital of the Company. Act of Canada, 32 & 33 Vic., c. 62.

By an Act of the Legislature of the Province of Ontario, passed in the Thirty-third year of Her Majesty's reign, chaptered 33, and entitled, "An Act to incorporate the "Canada Air Line Railway Company," which received the Royal Assent on the 24th day of December, 1869, the sum of Three Millions of Dollars, divided into Thirty Thousand shares of One Hundred Dollars each. Act of Ontario, 33 Vic. c. 33.

By

Recapitulation of the foregoing.

By which several in part recited Acts the summary of Share or Stock Capital, apart from Loan Capital, is as follows :

	SHARES.	\$	£	s.	d.
8 Vic. 86—29 March, 1845	60,000	6,000,000	1,232,876	14	0
16 Vic. 44—10 November, 1852	18,000	1,800,000	369,863	1	0
16 Vic. 99—22 April, 1853	20,000	2,000,000	410,958	18	0
16 Vic. 101—22 April, 1853	20,000	2,000,000	410,958	18	0
18 Vic. 176—19 May, 1855	60,000	6,000,000	1,232,876	14	0
	<u>178,000</u>	<u>17,800,000</u>	<u>3,657,534</u>	<u>5</u>	<u>0</u>
22 Vic. 116—16 August, 1858	.....	8,000,000	1,643,835	12	0
33 Vic. 33—24 December, 1869	.....	3,000,000	616,438	7	0
	<u>.....</u>	<u>28,800,000</u>	<u>5,917,808</u>	<u>4</u>	<u>0</u>

Recital of the partial exercise of the foregoing powers as to Share or Stock Capital.

And whereas, the Share Capital which the Shareholders of the Great Western Railway Company had authorized their Directors to raise by virtue of the hereinbefore in part recited Acts at the time of the passing of this Act, is as follows :—

	\$	cts.	£	s.	d.
Under the Act of 1845, by 60,000 shares issued and fully paid	6,000,000	00	1,232,876	14	0
" " 1852 " 18,000 " " "	1,800,000	00	369,863	1	0
" " 1853 " 20,000 " " "	2,000,000	00	410,958	18	0
" " 1853 " 20,000 " " "	2,000,000	00	410,958	18	0
" " 1855 " 51,700 " " "	5,170,000		1,062,328	15	0
" " 1855 " 8,300 shares unissued.	830,000		170,547	19	0
	<u>6,000,000</u>	<u>00</u>	<u>17,800,000</u>	<u>00</u>	<u>3,657,534</u>
					<u>5</u>
					<u>0</u>

And whereas, the said shareholders have further authorized the issue of Preference Stock under the Act of 1858, as explained by the Act of 1869, (32 & 33 Vic., chap. 62), with option of conversion, up to 1st January, 1880, into five ordinary shares at the rate of £20 10s. 0d. each for every £100 Sterling of Preference Stock \$4,955,240 £1,018,200 0 0

Reserved to meet difference in value in case such option is fully exercised	123,881	25,455	0	0	
	<u>123,881</u>	<u>25,455</u>	<u>0</u>	<u>0</u>	
					5,079,121 00 1,043,655 0 0
Total share and Preference Stock capital authorised to be issued by the shareholders					22,879,121 00 4,701,189 5 0
Balance unissued under the Act of 1858, if option of conversion of Preference Stock into ordinary shares is fully exercised		2,920,879	00	600,180	12 0
Under the Act of 1869, unissued		3,000,000	00	616,438	7 0
Total share and Preference Stock capital authorised to be created under the Acts of the Company		<u>28,800,000</u>	<u>00</u>	<u>5,917,808</u>	<u>4</u>
					<u>0</u>

Recital of the Loan Capital.

And whereas, the Great Western Railway Company had, at the time of the passing of this Act, raised by loan in Terminable Bonds maturing from 1873 to 1881.....	\$5,660,906	66	£1,163,200	0	0
and by Perpetual Debenture Stock...	227,273	34	46,700	0	0
In Terminable Bonds maturing 1890	3,650,000	00	750,000	0	0
			<u>\$9,538,180</u>	<u>00</u>	<u>£1,959,900</u>
					<u>0</u>

Which said several sums represent the extent to which the present Loan Capital or borrowing powers of the Company have been exercised.

And

And whereas, by the hereinbefore in part recited Act, passed in the Thirty-second and Thirty-third years of the reign of Her Majesty, chaptered 62, and entitled, "An Act to enable the holders of Preference Shares in the Great Western Railway Company, to convert them into ordinary Shares at their option," it was declared by the third section thereof, that the further creation and issue of perpetual Debenture stock should

Recital of the co-ordinate charge of Bonds and Debenture Stock upon the undertaking.

not exceed.....	\$3,254,901 37	£668,815 7 0
In addition to the amount then issued, of.....	227,273 34	46,700 0 0

And in the whole \$3,482,174 71 £715,515 7 0

And that the Company should not borrow or raise money on their Terminable Bonds to a greater extent than one-half of their capital stock, as authorized from time to time, nor should anything alter or affect the co-ordinate lien of the Perpetual Debenture Stock with the Terminable Bonds upon the Railway, Tolls, Lands, and other property of the Company.

And whereas, the Great Western Railway Company have further shewn by their petition that it would greatly add to their convenience and simplify the principle upon which their power to issue capital is based, if their whole Financial powers were comprised in one Act defining the various classes in which such capital is divided, and the amounts to which the same is limited, and the order of security which the several classes respectively maintain towards each other, and the passing of which should confirm the agreements by which the said Company exercised the powers contained in the hereinbefore recited Acts, and which united the Companies therein mentioned into one Corporation.

Object of this 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:—

1. This Act may be cited as The Great Western Railway Company's Financial Act, 1871. Short title.

2. The Capital of the Company, as separate from the Loan Capital, is hereby declared to be \$28,800,000, as follows:— The Capital declared and defined.

\$17,800,000 00 £3,657,534 5 0 are divided into 178,000 ordinary shares of one hundred dollars each, of which 8,300 shares of like amount each are still unissued, and are issuable upon terms hereinafter more particularly specified in the third section of this Act.

\$4,955,240

\$4,955,240 00 £1,018,200 0 0 in Preference Stock, bearing a Preferred Dividend of Five per cent. per annum, and convertible into five ordinary shares of One Hundred Dollars, or £20 10s. each, for every £100 Sterling of Preference Stock, upon an option to be declared up to 1st January, 1880, as hereinbefore recited.

\$123,881 00 £25,455 0 0 provision to meet the difference in value, if the foregoing option is fully exercised.

\$5,920,879 00 £1,216,618 19 0 unissued, but may be issued upon terms hereinafter more particularly specified in the fourth section of this Act.

\$28,800,000 00 £5,917,808 4 0

The Directors may issue the balance unissued under the Act of 1855—the shareholders having already created the same by vote.

3. The Directors shall have the power to issue the Capital of \$830,000 or £170,547 19s. 0d., created by the Act of 1855, and authorized by the Shareholders, but hitherto unissued, on such terms, as to premium and otherwise, as they may consider expedient; and as ordinary shares, or as preference shares, or as preferred stock, with option of conversion into shares at such rate and in such manner, and at such price or prices, as to premiums or otherwise, as from time to time they may deem advisable.

The residue of the unissued Capital which the Shareholders have not authorized they may at any time create by vote.

4. The Shareholders, by the vote of two-thirds present either in person or by proxy, at a meeting called for the purpose, shall have power to authorize the issue of the unissued Capital of \$2,920,879, or £600,180 12s. 0d., created by the Act of 1858, and also of the unissued Capital of \$3,000,000, or £616,438 7s. 1d., created by the Act of 1869, in the whole or in part as ordinary shares, or as preference shares, or as preference stock, with option of conversion into shares at such rate, and in such manner, and at such price or prices as to premium or otherwise, as from time to time they may deem advisable, and in whole or in part, or may delegate to the Directors the said power of issue, in whole or in part, as from time to time they may deem advisable.

Re-enactment of 22 Vic. 116 § 2.

5. The rate of Dividends on any preference stock or preference shares which shall be issued under either of the two last foregoing sections, shall not exceed seven per centum per annum on the amount paid up on such Stock or Shares, as the case may be; and all preferred dividends shall stand alike in manner provided by the hereinbefore in part recited Act of 1869, chaptered 62, so that if, on making up the accounts for any half-year, there are not profits available

available for the full payment of the said preferred dividend for that half-year, the deficiency shall be made good out of the first profits of any subsequent half-year.

Re-enactment of 32 and 33 Vic., 62 § 2.

6. Subject to the prior charge of the unpaid balance of the Government Loan upon all the property and assets of the Company, as settled and provided by the Act of Parliament of the Dominion of Canada, passed in the 32nd and 33rd years of the reign of Her Majesty, and chaptered 61, and entitled, "An Act to confirm and give effect to a certain agreement between the Government of Canada and the Great Western Railway Company," the Loan Capital is hereby declared to consist of Perpetual Debenture Stock and Terminable Bonds, which shall have co-ordinate lien and be a First Mortgage upon the Railway, tolls, lands, and upon all and every property of the Company; the Terminable Bonds shall be limited to an amount equal to one-half of the Share and Stock Capital of the Company, authorized from time to time, and the Perpetual Debenture Stock to the sum of \$3,482,174 71,—£715,515 7s. 0d., being the limit to which Perpetual Debenture Stock can be issued including that now outstanding.

Subject to the unpaid Government Loan, the Terminable Bonds and Perpetual Debenture Stock are a co-ordinate first charge.

7. So that the Loan Capital raised or borrowed under one class of security or the other as by the last section provided, shall not in the whole exceed the aggregate amount in the last section limited, as the authorized amount of said Loan Capital; the Directors may pay off the Terminable Bonds of the Company by the issue and sale of other Terminable Bonds, or by the creation and issue of Perpetual Debenture Stock, although such Debenture Stock shall be in excess of the above limit of \$3,482,174 71,—£715,515 7s. 0d., and the rate of interest upon any Perpetual Debenture Stock to be issued shall not bear a higher rate than six per centum per annum, but such Debenture Stock may be issued in such proportion, at such rates, and in such manner, and at such price or prices as to premium or otherwise as the Directors may from time to time determine and resolve; and the Shareholders at any general meeting may direct that Terminable Bonds or Perpetual Debenture Stock within the limits aforesaid shall have an option of conversion into ordinary shares at such rate and terms of option as the shareholders may deem advisable when such Bonds or Debenture Stock are to be issued.

Loan Capital limited.

Re-enactment of 22 Vic., 116, § 3.
Interest.
Terminable Bonds, &c.

8. Money borrowed by the Company for the purpose of paying off, and afterwards duly applied in paying off Bonds of the Company given or made under the Statutory powers of the Company, shall, so far as the same has been (and is, as immediately afterwards as can conveniently be done, to be) so duly applied, be deemed money borrowed within, and not in excess of such Statutory powers.

As to money borrowed to pay of Bonds, &c.
See Imperial Act 30 and 31 Vic., 127, § 26.

9. In respect of the nominal value of Share Capital, apart from Loan Capital, in shares interchanged between Canada and England, the sum of Twenty Pounds and Ten Shillings Sterling shall be the Equivalent of One Hundred Dollars, irrespective of the rate of exchange between those countries.

£20 10s. St'g. declared equivalent to \$100.

CAP.

CAP. XLV.

An Act to authorize the Northern Railway Company of Canada to make agreements for the leasing, using, and working of the Lines of Railway of other Companies.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS The Northern Railway Company of Canada have presented a Petition praying that an Act may be passed authorizing and empowering the said Company to make agreements for the leasing, using, and working of the lines of Railway of other Companies contiguous and subsidiary to the said Northern 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:—

Agreement in Appendix confirmed.

1. The agreement for the above named purposes contained in the Appendix to this Act, and approved of by the Bond and Shareholders of the said Northern Railway Company of Canada, on the eighth day of February last, and by the Shareholders of the Toronto, Simcoe and Muskoka Junction Railway Company, on the second day of March last, is hereby confirmed, and The Northern Railway Company of Canada is hereby authorized to execute the same.

Power to make like agreement with North Grey Railway Company.

2. It shall be lawful for the said The Northern Railway Company of Canada to make an agreement or arrangement similar to the agreement hereinbefore mentioned, for any term not exceeding twenty-one years, with the North Grey Railway Company, for the regulation and interchange of traffic passing over their respective Railways, and for the working of the traffic over the said Railways respectively, and also for the leasing, using, and working by the said The Northern Railway Company of Canada of the line of Railway of the said North Grey Railway Company; Provided, however, that such agreement or arrangement shall have no force or effect unless and until the same shall have been accepted and ratified by a majority of two-thirds of the members of the respective Companies present in person or by proxy, and voting at a special general meeting of the said Companies respectively, such meetings to be called and such votes to be taken in the manner provided for that purpose in their respective Acts of incorporation; and provided also, that in the event of any variation being made in the terms of such agreement or arrangement from those contained in the agreement in the said Appendix to this Act, so far as the same may apply to the said North Grey Railway Company, such variation shall not be valid unless and until the same shall have been first approved of by the Governor in Council.

Proviso. Agreements must be ratified by shareholders.

Proviso: for approval of Governor in Council in certain cases.

3. Nothing in this Act contained, nor in any lease made there-
 under, shall be taken to alter the ranking or order of priority of
 the lien of the Dominion of Canada upon the property and fran-
 chises of the said The Northern Railway Company of Canada.

Lien of
 Government
 not affected.

APPENDIX.

This Indenture made the day of in the year of our
 Lord one thousand eight hundred and seventy-one,

Between the Toronto, Simcoe and Muskoka Junction Railway
 Company hereinafter called the Lessors, of the First Part, and The
 Northern Railway Company of Canada hereinafter called the
 Lessees of the Second Part :

Whereas, by an Act of the Parliament of the Province of Ontario,
 Thirty-three Victoria, Chapter Thirty, entitled "An Act to in-
 corporate the Toronto, Simcoe and Muskoka Junction Railway
 Company," the said Lessors were incorporated as a Railway Com-
 pany for the purpose of constructing a Railway from some point
 on the Railway of the said Lessees within the County of Simcoe to
 unite the waters of Lake Simcoe with those of Lakes Muskoka and
 Rosseau through and within the Counties of Simcoe, Ontario, and
 Victoria, with branches and extensions to the Georgian Bay :

And whereas, by the said Act it is amongst other things enacted,
 that the said Lessors may enter into an agreement with the said
 Lessees for leasing to them for any period not exceeding twenty-
 one years the Railway of the said Lessors, and that upon the
 execution of any Lease the said Lessees should be empowered to
 exercise all the rights and privileges conferred upon the said
 Lessors by the said Act in the working of the said Railway.

And whereas the construction of the said projected Railway of
 the said Lessors will open up the trade of a large section of terri-
 tory which it is of importance to the Town of Barrie and the City
 of Toronto, to attract and secure, and which will contribute an en-
 tirely new and extensive traffic to the existing line of the said
 Lessees, and thus add to the revenues and value thereof :

And whereas the said Lessors, in pursuance of the Act aforesaid,
 are now proceeding with the construction of their Railway :

And whereas it is therefore the mutual interest of the said
 Lessors and the said Lessees to secure permanent connections
 between the existing line of the Northern Railway and the pro-
 jected line of the said Lessors, and to accelerate the construction
 and completion of the said projected line, and to secure thereafter
 the construction and completion of the said projected line, and to
 secure thereafter the efficient and profitable working thereof, the
 said Lessees have agreed to enter into an arrangement with
 the

the said Lessors to work their said line for twenty-one years upon the terms and conditions hereinafter mentioned :

Now this Indenture Witnesseth,

Firstly, that the said Lessors will forthwith by all reasonable means and resources within their power and control complete the said line of railway from the point of junction with the Northern Railway, upon a location and in accordance with maps, drawings and specifications to be mutually agreed upon by the Directors of the Company of the Lessors and the Canadian Board of Directors of the Lessees, and in case of disagreement between the Board of Directors of the Lessors and the Canadian Board for the time being of the Lessees, as to the completion of the said work, it shall be lawful for the Board of Directors of the Lessors to nominate one indifferent arbitrator and for the Canadian Board for the time being of the Lessees to appoint another indifferent arbitrator, who, together with a third to be chosen by them, shall decide as to the said completion of the said works according to said maps, drawings and specifications, and shall have the necessary powers to direct what is requisite to be done to render the same complete according to the said maps, drawings and specifications, and it shall and may be lawful for the said Lessees in the event of the said works being inefficiently or incompletely constructed, to supply any defects or omissions therein existing according to the opinion of the said arbitrators, and to charge the costs thereof against the said Lessors and to deduct the same out of any monies payable to the said Lessors hereunder.

Secondly, in pursuance of the powers mentioned in the above recited Act, the said Lessors do hereby agree to lease unto the said Lessees the whole of the said Railway from Barrie to Washago, and such branches and extensions thereof as may thereafter be constructed under the powers of the said recited Act and as may be accepted by the said Lessees, under the provisions as to the leasing of such branches or extensions hereinafter contained, and to place the said Lessees in possession thereof from time to time, as and when completed as aforesaid, so that the said Lessees may work the same in such manner as they may deem most profitable and advantageous, and shall collect, receive and take the tolls, fares, receipts and earnings in respect thereof.

To have and to hold possession of the said Railway to Washago when completed as aforesaid, and Extensions and Branches thereof when completed by the lessees as aforesaid, for the period of Twenty-one years to commence and take effect from the date *thereof*.

Yielding and paying half yearly to the said Lessors such sum during the first five years of the said term, as shall amount to *Thirty-five per cent.* of the gross receipts arising from the traffic carried over the said railway of the Lessors and during the next *five*

five years of the said term *Forty per cent.* of the said gross receipts, and during the remaining portion of the said term *Forty-five per cent.* of the said gross receipts; Provided always and it is hereby understood and agreed, that the said Lessors shall not be entitled to receive nor shall the said Lessees be bound to pay any portion whatever of the said gross receipts unless and until the said line of the Lessors shall have been completed and placed in running order from the Barrie junction to the station in or nearest to the Village of Orillia, nor shall the said Lessors be entitled hereunder to receive any portion of the said gross receipts of the said line beyond the said station in or nearest to the Village of Orillia, unless and until the said line shall have been completed and placed in running order to a station at or near Messieurs Thomson and Miller's Mill at Lake St. John, nor shall the said lessors be entitled to receive hereunder any portion of the said gross receipts of the line beyond the said last mentioned station, unless and until the said line shall have been completed and placed in running order to Washago.

Such portions of the said gross receipts as aforesaid to be applied by the said Lessors,—

First, in payment of the interest of the Mortgage Bonds authorized to be issued under the said recited Act or any amendments thereto, by the said Lessors:

Secondly, in payment of the expenses connected with the management of the affairs of the said Lessors, provided that after the year one thousand eight hundred and the said expenses shall not exceed in any one year the sum of
dollars

Thirdly, in payment of dividends to Shareholders:

That the issue to be made of debentures or bonds upon the security of the said railway under the powers of the said recited Act and any amendments thereto, shall be made from time to time with the sanction of the Canadian Board of the said Lessees and not else, and that the issue thereof upon the security of the said line between Barrie and Washago shall not exceed in the whole a sum equivalent to one thousand eight hundred pounds sterling (nine thousand dollars) per mile for every mile thereof actually under construction, and such issue shall only be made from time to time in the ratio of the value of the works actually executed as shewn by the certificate of the engineer:

That the interest of the said Debentures so to be issued by the Lessors shall be made payable at the offices and agencies of the Lessees, and the said Lessees hereby agree to pay the interest of the said Debentures as the same shall fall due, and at their offices and agencies aforesaid, and the production by the said Lessees of the interest coupons of the said Debentures so paid and redeemed from

from time to time as aforesaid, shall be taken and received by the said Lessors in payment or part payment of the portion of gross receipts to be paid to the said Lessors as rental for the line as aforesaid.

In the event of the said proportions of the gross receipts being insufficient in any one year to pay the Interest upon the said Mortgage Bonds and the said expenses of management, the deficiency shall be advanced and paid by the said Lessees who shall be entitled to retain the amount so advanced out of any surplus thereafter coming to the said Lessors hereunder, and until such advance shall be repaid to the said Lessees shall be entitled to charge the said Lessors with interest thereupon at the rate of six per cent.

The said Lessees do hereby agree and become bound to provide the necessary Locomotive Engines, Rolling Stock and other equipment requisite for the proper and efficient working of the said road, so soon as the same shall have been completed as before specified, and shall also supply all the fuel and other material and things required for the same, and shall also during the continuance of these presents work the said road and efficiently keep in order and maintain the same.

That the said Lessees shall have during the continuance of this lease entire control and management of the said road herein leased, as well as in regard to the regulating and settling from time to time the amount and rates of Tolls, Fares, Freight and other charges, to be paid, collected and taken thereon, and the mode of collecting and receiving the same, as also all other matters and things in any way touching or concerning or incident to the using, operating and working of the said Railway, and the development of its traffic, and all the Charter powers of the said Lessors so far as the same can be transferred and are applicable, shall relate and extend to the working of the said line and said Branches or Extensions during the term of this lease; it is, however, distinctly understood and agreed, that the tariff for passengers and freight over the said road of the Lessors shall be relatively the same as that in operation from time to time upon and over the Railway of the said Lessees.

Provided, however, that the said Lessees shall not be entitled during the months of November, December, January and February in each year, to levy or receive upon cordwood conveyed over the line of the Lessors and over the line of the said Lessees from the line of the Lessors to the City of Toronto more than the then tariff rate chargeable by the Lessees for the carriage of lumber over the line of the Lessees, it being understood and agreed that the station at Barrie belongs for the purpose of this clause to the line of the Lessees.

The said Lessees shall make and keep separate and accurate accounts of the traffic and receipts over the said road of the said Lessors,

Lessors, and on the first day of the months of April and October in each year, or at such other convenient date as may be mutually agreed upon by the parties hereto, the said Lessors and the said Lessees shall severally appoint an Auditor to examine the same, who shall, if they deem it necessary, have free access to and liberty to investigate, inspect and take copies of the books and vouchers of the said Lessees at any station or office on either line so far as they relate to the traffic in this lease referred to, and in the event of any difference arising in the adjustment of such half yearly accounts between the said two Auditors, they shall appoint some third person as Referee between them, and the decision of such Referee shall be binding upon all parties, and in computing the earnings upon such traffic as may be common to both roads, the rate charged thereupon shall be credited to each road in proportion to the respective mileage over which the said rate shall have been charged.

In the event of the said Lessees constructing any new or additional works or improving or reconstructing the then existing works of the said road upon a higher or more permanent standard than required by the original specifications hereinbefore referred to, the said Lessees shall be entitled, provided that the specifications for the same shall have been first approved of, and the additional works sanctioned by the said Board of Directors of the Lessors, to charge the additional or extra amount so expended as in advance of additional capital to the said Lessors, which amount shall be ascertained at the close of each year, and thereafter the same shall bear interest at the rate of six per cent., and may be retained by the said Lessees out of any monies coming to the said Lessors under this lease after the payment of the interest upon the said mortgage bonds, and the expenses of management as aforesaid, and at the expiration or other sooner determination of this lease, the principal so expended or the unpaid balance thereof shall be repaid to the said Lessees who shall be entitled until payment thereof to retain possession of the said road, or in the event of a renewal of this lease then the terms of payment shall thereby be provided for and agreed upon.

In the event of the Canadian Board of Lessees requesting the sanction of the Lessors to any new or additional works or improvements, upon the ground that the same are essential to the proper working of the traffic of the line of the Lessors, and if they shall prepare and present specifications and estimates for the same, and the Lessors shall thereupon refuse or neglect to sanction the same, then it shall be lawful for the Lessees to appoint one indifferent person who, together with another to be appointed by the Lessors, who together with a third to be chosen by them, shall decide whether the proposed works are essential to the proper working of the traffic of the said line, and whether the same if constructed by the Lessees shall be chargeable against the Lessors in manner hereinbefore mentioned.

In the event of the Railway of the Lessees being purchased by, leased to or amalgamated with that of any other Company, the
Lessors

Lessors shall have the liberty to give six months' notice to the Lessees, and thereby determine this lease and the provisions thereof, and upon such determination of this lease it shall be the duty of the Lessees or their assigns to grant and allow immediately thereafter full running powers and facilities over the line of the said Lessees for the engines and rolling stock of the said Lessors, and for the proper working of the traffic of the line of the Lessors over the line of the Lessees upon such terms and conditions and arrangements as may be mutually agreed upon.

And in case of disagreement as to such terms, conditions, and arrangements, then it shall be lawful for the Lessors to appoint one indifferent person who, together with another to be appointed by the Lessees or their assigns, and together with a third to be chosen by them, shall settle and determine the said terms, conditions and arrangements.

The said Lessees hereby agree to furnish the Directors and the chief officers of the Company of the Lessors with free transit over and upon the Railway of the Lessees, and the line of the Lessors hereby leased; the Lessees agree to maintain the said line of Railway from the time of the completion thereof, and the transfer of possession to the Lessees, during the whole of the said term, in good order, and to deliver the same at the expiration of the said term to the said Lessors in as good plight and condition as the same shall be received by the Lessees at the commencement of the said term—reasonable wear and tear excepted.

It is hereby agreed between the said Lessors and the said Lessees, that in case of the further extension of the line of Railway of the Lessors under existing or additional Legislative powers,—then in case the said Lessees shall so agree, the terms of this lease shall be applied as nearly as the circumstances of the case may permit to the leasing of the said extension or branches by the said Lessees; and in case the said Lessors and the said Lessees fail to agree as to the terms and conditions of the lease of said extension or branches, then it shall be lawful for the said Lessors to nominate one indifferent Arbitrator, and for the Lessees to appoint another indifferent Arbitrator, who, together with a third to be chosen by them, shall decide as to the terms of the said lease, having regard to the provisions hereof, so far as may be possible.

And it is hereby agreed between the parties hereto in respect of all the provisions hereinbefore contained for Arbitration, in case of disputes between the said Lessors and the said Lessees, that the decision of the majority of the Arbitrators shall be binding, and that should either of the parties in any such case refuse or neglect to appoint a Referee or Arbitrator within twenty days after notice in writing for that purpose from the other party, then the decision of the Referee or Arbitrator appointed by the party so giving notice, shall be binding on both parties.

CAP. XLVI.

An Act concerning the Vaudreuil Railway Company.

[Assented to 14th April, 1871.]

WHEREAS the Vaudreuil Railway Company have by their Preamble.
 Petition represented that by their Act of Incorporation they 16 V., c. 134.
 were empowered to construct a line of railway "from Vaudreuil
 to Vankleek's Hill, and thence to the nearest practicable point of
 intersection with any railway which may be constructed to By-
 town or Kemptville, or to any intermediate place," or, "to con-
 struct a junction branch from Vaudreuil uniting with any other
 railway already constructed or which may hereafter be constructed
 in the direction of Bytown," and also "to unite and form a junction
 with other Railway Companies either to Montreal and Kemptville
 or Bytown,"—And it is doubtful whether or not the powers of the Doubt stated.
 said Company may have been to some extent suspended, and the
 said Company has prayed that it may be relieved from the effect
 of such doubt: Therefore Her Majesty, by and with the advice
 and consent of the Senate and House of Commons of Canada,
 enacts as follows:—

1. That portion of a proposed line of railway between Vau- Time allowed
 dreuil and the city of Ottawa, lying between Hawkesbury and for construct-
 Ottawa, which the Vaudreuil Railway Company, in conjunction ing railway
 with other Companies, has been authorized to construct, may at from Hawkes-
 any time during five years next after the time herein fixed, be bury to
 constructed by the said Company, heretofore known as "The Vau- Ottawa.
 dreuil Railway Company," from any point in West Hawkesbury
 to any point in the City of Ottawa; which Company, as to the
 said line, shall have the full exercise of all powers conferred by
 the several Acts concerning the same.

2. The name of the Vaudreuil Railway Company is hereby Name of
 changed to the "Ottawa, Vaudreuil, and Montreal Railway Com- Company
 pany." changed.

3. The said Company may construct the whole line of railway Gauge.
 between Vaudreuil and Ottawa, upon such gauge as they may
 see fit.

4. The said Company may increase their capital stock to such Increase of
 an amount as may be found necessary for the construction and capital.
 equipment of the said Railway, in the manner prescribed by sec-
 tion 7, sub-section 19, of the "Railway Act" 1868.

5. It shall be lawful for the said Company to receive, either by Company may
 grant from the Government, or from any individuals or corpora- receive aid in
 tions, municipal or otherwise, whether in Canada or elsewhere, land, &c., and
 dispose of the
 as same,

as aid in the construction of the said Railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts, or by way of bonus, or in payment of stock, and legally to dispose of the same and alienate the lands or other real or other personal property for the purposes of the said Company, in carrying out the provisions of this Act.

6. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof; and such bonds or debentures shall be in such form and for such amount and payable at such times and places, as the Directors from time to time may appoint and direct. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the Corporate seal of the Company affixed thereto; Provided always, that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter.

Company may issue bonds, chargeable on the railway.

Proviso: amount limited.

7. The powers hereby conferred upon the said Company shall take effect upon the first day December next, if the Canada Central Railway Company shall not previously have made the deposit of the maps, plans and books of reference, in conformity with the Railway Act, covering the line from Ottawa to Hawkesbury and *bonâ fide* commenced work thereon, and are continuing the same, with a force reasonably sufficient to complete the said Railway within the time now fixed for that purpose:—But the suspension of power hereby created shall cease,—and the powers hereby conferred upon the Company shall come immediately into effect, if the Directors of the Canada Central Railway Company shall file a declaration in writing in the office of the Minister of Public Works that they consent thereto.

When and on what conditions the powers hereby granted shall take effect.

8. Nothing in this Act shall infringe upon or in anywise affect the rights and powers conferred upon the Montreal and City of Ottawa Junction Railway Company, by its Act of Incorporation, passed during the present Session.

Powers of a certain Company not affected.

CAP. XLVII.

An Act to incorporate the Montreal and City of Ottawa Junction Railway Company.

[Assented to 14th April, 1871.]

WHEREAS the persons hereinafter named and others, have Preamble.
 by their petition represented that a line of railway to be constructed from the City of Ottawa to a point on the Grand Trunk Railway at or near Coteau Landing, would afford the shortest and most convenient connexion between the Cities of Ottawa and Montreal, and have prayed to be incorporated as a Company for the purpose of constructing such line; and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Donald Alexander Macdonald, M.P., Luc H. Masson, M.P., Certain persons in-
corporated.
 Wm. Duckett, Angus S. Macdonald, Archibald McNab, Reeve of Lochiel, Michel Guindon, James Fraser, Reeve of Kenyon, Hugh R. Macdonald, Deputy Reeve of Lochiel, George Harrison, Peter Kennedy, Warden of Stormont, Joseph Aumond, Edward McGillivray, James A. Grant, M.P., and Thomas Borthwick, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of the "Montreal and City of Ottawa Junction Railway Company," and shall have Corporate name and
general
powers.
 all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by *The Railway Act*, 1868, subject to the provisions hereinafter contained.

2. The said Company and their agents and servants may lay Power to
build Rail-
way, within
certain limits.
 out, construct and finish a double or single iron Railway, of such width or gauge as the Company 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 Coteau Landing on the line of the Grand Trunk Railway, in the County of Soulanges.

3. The Capital Stock of the said Company shall not exceed, in Capital Stock
and shares,
and how to
be applied.
 the whole, the sum of one million dollars, to be divided into ten thousand shares, of one hundred dollars each, which amount shall be raised by the persons hereinafter named, and such other persons and Corporations as may become shareholders in the said Company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the Railway; and all the rest and
 10½ remainder

remainder of such money shall be applied towards making, completing, and maintaining the said Railway, and other purposes of this Act.

Company
may receive
aid in land,
&c., and dis-
pose thereof.

4. It shall be lawful for the said Company to receive, either by grant from Government, or from any individuals or corporations, municipal or otherwise, either in Canada or elsewhere, as aid in the construction of the said Railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts, or by way of bonus, or in payment of stock, and legally to dispose of the same, and alienate the lands or other real or personal property for the purposes of the said Company, in carrying out the provisions of this Act.

Provisional
Directors and
their powers.

5. Donald Alexander Macdonald, M.P., Luc H. Masson, M.P., Angus S. Macdonald, Archibald McNab, Peter Kennedy, James Fraser, James A. Grant, M.P., Edward McGillivray, and Thomas Borthwick shall be and are hereby constituted, a Board of Provisional Directors of the said 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, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board, under the Railway Act, may lawfully do.

Stock books.

The said Provisional Directors are hereby empowered to take all necessary steps for opening the Stock Books for the subscription of parties desirous of becoming Shareholders in the said Company, and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

First meeting
of Share-
holders, and
election of
Directors.

6. When and so soon as one-tenth part of the capital stock (which capital stock shall not be less than four hundred thousand dollars) shall have been subscribed, as aforesaid, either in municipal debentures granted by way of bonus or otherwise, or in ordinary subscriptions by individuals, to the Capital Stock, or partly in such municipal debentures and partly in such subscriptions, and one-tenth of the amount so subscribed paid in, the said Directors, or a majority of them, may call a meeting of Shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Ottawa, Montreal, and Cornwall; at which said general meeting, and at the annual general meetings in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect seven Directors in the manner and qualified as hereinafter provided, which said Directors shall constitute a Board of Directors, and shall hold office until the last Tuesday in May in the year following their election.

7. On the said last Tuesday in May, and on the last Tuesday in May in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the Shareholders of the Company, at which meeting the said Shareholders shall elect a like number of not less than five nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of election, in one or more Newspapers in the Cities of Ottawa and Montreal and the Town of Cornwall, and the election for Directors shall be by ballot, and the persons so elected shall form the Board of Directors.

Annual general meetings for like purposes.

8. A majority of the Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors; provided however that no person shall be elected a Director unless he shall be the holder and owner of at least five shares of the stock of the said Company and shall have paid up all calls upon the stock.

Quorum of Directors : qualification.

9. Any Municipal Council of a Municipality which has given a bonus in aid of the said railway or its branches amounting to not less than ten 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 all the other Directors authorised by this Act, or by the General Railway or any other Act, but such Municipality shall incur no liability by the appointment of such Director.

A Municipality subscribing a certain amount to appoint a Director during construction.

10. The Reeve or other chief Municipal officer of any Municipality or Parish subscribing towards the said undertaking a bonus of not less than five hundred dollars, or holding not less than five shares in the Stock of the Company, shall be eligible to the office of Director.

Reeves of Municipalities eligible as Directors.

11. The Directors may at any time call upon the Shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent. and the Directors shall give one month's notice of such call, in such manner as they may appoint.

Calls by Directors : amount limited.

12. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company, and

Company may become parties to Promissory Notes, &c.

and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such Promissory Note or Bill of Exchange, nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said Company to issue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Company may issue debentures, chargeable on the Railway.

As to payments on lands so charged.

Form of bonds. Amount limited.

Company may arrange to connect with other Railways.

13. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places, as the Directors from time to time may appoint and direct; and the payment to the Treasurer of the Company, or to any other person appointed for the purpose, by any *bond fide* purchaser of any of the lands in the fourth section of this Act mentioned, of the purchase money thereof, and the acquittance by such Treasurer, or other person so appointed, of such purchase money, shall operate as a discharge of such charge in respect of the lands so paid for; and until other provisions be made therefor, the Treasurer of such Company, or other person so authorized, shall keep all moneys so received separate and apart from the ordinary funds of the Company, and the moneys so received shall be invested from time to time in Government Securities, or in the stock of some solvent and well-established chartered bank in Canada, for the formation of a fund for the payment of the interest on such debentures as it becomes due, and for their redemption at maturity. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto, provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter, but no such debenture shall be for a less sum than one hundred dollars.

14. The Directors of the said Company, elected by the Shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any branch or branches to facilitate a connection between this Company and such other Chartered Railway Company.

15. The Company may enter into an agreement with any other chartered Railway Company for leasing to such Company 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, or the use 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 moveable property, under such sanction as hereinafter mentioned, and generally to make any agreement or agreements with any such other Company, touching the use, by one or other, or by both Companies, of the railroad, or rolling stock, or moveable property of either or both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, 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; or such other Railway Company may agree to loan its credit to, or may subscribe to and become the owner of the whole or a part of the stock of the Railway Company hereby incorporated, in like manner and with the like rights as individuals; provided the said leases, agreements, and arrangements have been first respectively sanctioned by the majority of votes at special general meetings of the shareholders, called for the purpose of considering the same respectively, on due notice given, as provided by the Railway Act, 1868.

Company may lease their railway, or hire that of another Company, and make agreements for use of either railway, &c.

Proviso.

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

Aliens may hold shares and vote.

17. Any deed of conveyance of land to the said Company may be in the form of Schedule A., to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary.

Form of conveyance of land.

18. The powers given by this Act shall be exercised by the commencement of the said railway within three years after the passing of the Act, and its completion within eight years therefrom.

Time for commencing and completing the work.

19. Nothing in this Act shall infringe upon, or in any wise diminish or vary the rights acquired by the Vaudreuil Railway Company in reference to the construction of a line of railway between Vaudreuil and the City of Ottawa, acquired under its Act of Incorporation and the several Acts concerning the same.

Act not to affect Charter of Vaudreuil Railway Company.

20. This Act shall be known and cited as the "Montreal and City of Ottawa Junction Railway Act."

Short title.

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents, that I, A. B., in consideration of _____ paid to me by the Montreal and City of Ottawa Junction Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Montreal and City of Ottawa Junction Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal this _____ day of
one thousand eight hundred and _____

Signed, Sealed, and Delivered }
in presence of } A. B. L.S.
C.D.
E.F.

CAP. XLVIII.

An Act to incorporate the Ontario and Quebec Railway Company.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, the persons hereinafter named and others, have petitioned for incorporation as a Company to construct a Railway from Toronto to Ottawa, passing through or near Peterboro', Madoc, and Carleton Place, with power to cross the Ottawa River at or near Ottawa City, and to unite, amalgamate, or make running arrangements with Railway lines in the Provinces of Ontario and Quebec, and whereas, the construction of such a Railway would be of great public advantage, by affording facilities for the settlement of the back country, bringing to market the productions thereof, and forming, through the Capital of the Dominion, a most valuable line of communication for National Defence, and is a work for the general advantage of Canada, and it is for the reasons aforesaid expedient to grant the prayer of the petitioners; Therefore Her Majesty, by and with the advice of the Senate and House of Commons of Canada, enacts as follows:—

Certain
Persons
incorporated.

1. Henry John Hubertus, and Harry Abbott, Esquires, the Honorable James Skead, the Honorable Malcolm Cameron, and the Honorable Billa Flint, Joseph Merrill Currier, M.P., Alonzo Wright, M.P., Peregrine Maitland Grover, M.P., George Kempt, M.P., James Noxon Lapum, M.P., and Edmund D. O'Flynn, Esquires,

Esquires, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of the "Ontario and Quebec Railway Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by *The Railway Act*, 1868, subject, however, to the provisions hereinafter contained.

Corporate name and powers.

2. The said Company and their agents and servants may lay out, construct, and finish a double or single iron Railway, of such width or gauge as the Company see fit, from the City of Toronto, in the Province of Ontario, through or near Peterboro', Madoc, and Carleton Place, to the City of Ottawa, and across the Ottawa River at or near Ottawa City, into the Province of Quebec, to effect a junction with Railways in that Province, and to unite, amalgamate and make running arrangements with Railway lines in the Province of Ontario, situated upon the line hereby authorized to be constructed, or crossing the same.

Power to construct a railway on a certain line.

3. The Railway Bridge to be built under the authority of this Act, across the Ottawa River, shall or may be used by any other Railway Company on such terms as may be mutually agreed on, and in the event of dispute the terms shall be settled by arbitration, each disputing party to select an arbitrator, and the two so chosen to select a third, a majority of whom shall decide. Should either disputing party, after ten days' demand in writing, neglect or refuse to appoint an arbitrator, then upon application to the Minister of Public Works, accompanied by an affidavit of an officer of the Company which has appointed an arbitrator, that the opposite party so refuses to appoint an arbitrator, the Minister shall appoint an arbitrator for the party so refusing.

Railway bridge to be used by any Railway Co. by arrangement.

4. The Capital Stock of the said Company shall not exceed, in the whole, the sum of one million two hundred and fifty thousand dollars, to be divided into twelve thousand five hundred shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and Corporations as may become shareholders in the said Stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for the procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the Railway; and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said Railway, and other purposes of this Act.

Capital Stock and Shares; and how to be applied.

5. It shall be lawful for the said Company to receive, either by grant from Government, or from any private individuals or corporations, as aid in the construction of the said Railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts, or in payment of stock

Company may take grants of land and dispose thereof.

stock, and legally to dispose of the same and alienate the lands or other real or personal property for the purposes of the said Company, in carrying out the provisions of this Act.

Provisional
Directors.

6. Henry John Hubertus, and Harry Abbott, Esquires, the Honorable James Skead, the Honorable Malcolm Cameron, and the Honorable Billa Flint, Joseph Merrill Currier, M.P., Alonzo Wright, M.P., Peregrine Maitland Grover, M.P., George Kempt, M.P., James Noxon Lapum, M.P., and Edmund D. O'Flynn, Esquires, shall be, and are hereby constituted, a Board of Directors of the said Company, and shall hold office as such until other Directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be Directors of the Company equally with themselves, to open Stock Books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Railway Act may lawfully do.

Term of office
and powers.

Opening
Stock Books.

The said Directors are hereby empowered to take all necessary steps for opening the Stock Books for the subscription of parties desirous of becoming Shareholders in the said Company; and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

First meeting
for election of
Directors.

7. When and so soon as one-tenth part of the capital stock (which capital stock shall not be less than five hundred thousand dollars) shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed paid in, the said Directors, or a majority of them, may call a meeting of the Shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Ottawa, Peterboro' and Toronto, at which said general meeting, and at the annual general meetings in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect seven Directors in the manner and qualified as hereinafter provided, which said Directors shall constitute a Board of Directors, and shall hold office till the first Tuesday in September, in the year following their election.

Annual
General Meet-
ings.

8. On the said first Tuesday in September, and on the first Tuesday in September in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the Shareholders of the Company, at which meeting the said Shareholders shall elect a like number of not less than five nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before

before the day of election, in one or more newspapers in Ottawa, Peterboro', and Toronto; and the election for Directors shall be by ballot, and the persons so elected shall form the Board of Directors.

9. A majority of the Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors; provided however that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company and shall have paid up all calls upon the stock.

Quorum of Directors.

Proviso.

10. The Directors may at any time call upon the Shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and the Directors shall give one month's notice of such call, in such manner as they may appoint.

Calls on Shares.

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

Company may become parties to notes, &c.

Proviso.

Proviso.

12. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls, and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places as the Directors from time to time may appoint and direct. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto; provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway

Power to issue Bonds or Debentures chargeable on their railway.

Proviso : amount limited.

nuder

under contract or to be constructed under and by virtue of this Charter, but no such debenture shall be for a less sum than one hundred dollars.

Arrangement
for branches
to other lines.

13. The Directors of the said Company, elected by the Shareholders, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any branch or branches to facilitate a connection between this Company and such other Chartered Railway Company.

Company
authorized to
purchase
other lines,

14. The said Company is also authorized and empowered to contract and agree with any incorporated Railway Company for the purchase or transfer, by deed of assignment, of their line of railway or undertaking, with the appurtenances and privileges thereto belonging, or in any manner appertaining thereto; and the Company, hereby incorporated, may assign, transfer, or lease their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery, or other effects belonging thereto, to any other incorporated Company, person, or persons, or corporations, upon such terms and conditions, and with such restrictions as the Directors may deem expedient.

Or to transfer
their own.

Aliens may
vote, &c.

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

Form of con-
veyance to
Company.

16. Any deed of conveyance of land to the said Company may be in the form of Schedule A to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary.

Commencement and
completion
of works.

17. The powers given by this Act shall be exercised by the commencement of the said railway within three years after the passing of the Act, and its completion within eight years therefrom.

Short title.

18. This Act shall be known and cited as the "Ontario and Quebec Railway Act."

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents, that I, A. B., in consideration of paid to me by the Ontario and Quebec Railway Company, the

to and into the Town of Pembroke, with power by ferry communication or otherwise, to extend into the Province of Quebec, and to amalgamate with any railway line therein, and to acquire lands and water-lot property in the City of Kingston, not to exceed in all twenty-five acres, and in the Town of Pembroke not to exceed in all ten acres, and in every township through which the railway or any branch thereof is carried, not more than five 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.

What extent of land may be taken.

Company may hold steam vessels, &c.

3. 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.

Agreement to lease the railway or to hire the railway of another Company.

4. 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 Ontario, or of the Dominion, 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, or the use 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 moveable property, under such sanction as hereinafter mentioned, and generally to make any agreement or agreements with any such other company, touching the use by one or other, or by both companies, of the railroad, or rolling stock, or moveable property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, 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.

Consent of shareholders required.

Power to receive bonuses of lands, &c.

5. The said 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, and which shall be applied accordingly.

Power to acquire land for snow fences, &c.

6. Notwithstanding anything contained in section nine of "The Railway Act, 1868," the said Company may, with the permission of the Railway Committee of the Privy Council, and under the powers and provisions in the said Act, acquire and hold such width of land on the sides of the railway and its branches
at

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.

7. The Company may, with the consent of the owners, acquire and hold land from which to obtain supplies of gravel, stone and filling required by them for their works, and may sell and convey the same, or any part thereof, when no longer required.

Gravel pits.

8. The Company shall have power to sell, mortgage, or lease any lands belonging to it not necessary for the purposes of the said Railway, or received by it as a gift in aid.

Sale or mortgage of land.

9. The Capital Stock of the said Company shall not exceed one million two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, which stock shall be raised by the persons hereinbefore named, and such other persons and Corporations as may become shareholders in the Company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the Railway and its branches, and all the rest and residue of the said money shall be applied towards making, completing, equipping and maintaining the said Railway, with its branches, and other purposes of this Act.

Capital stock and shares.
Application of capital.

10. The persons named in the first section of this Act are hereby constituted the Board of Provisional Directors of the said Company, nine of whom shall be a quorum, and the said Provisional Board of Directors shall hold office as such, until the first election of Directors under this Act, 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 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 of Canada, 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 Railway, which agreement shall be binding upon the Company.

Provisional Directors to open stock books, make calls, plans, surveys, &c, and receive gifts in aid.

11. No subscription for Stock in the Capital of the Company shall be binding on the Company, unless ten per centum of the amount has been actually paid thereon, within fifteen days after subscription, to the Company, or to its credit in any chartered Bank of Canada to be designated by the Directors.

Conditions of subscription for stock.

12. No call in respect of the Stock shall exceed ten per centum from each shareholder on the amount of the stock subscribed or held by such shareholder.

Calls.

First general meeting for election of Directors.

13. When and so soon as shares to the amount of one hundred thousand dollars in the Capital Stock of the Company have been subscribed for, and ten per centum thereon has been paid, the Provisional Board of Directors shall call a general meeting of the shareholders of the Company, at the City of Kingston, for the election of Directors of the Company, giving at least four weeks notice of the time, place, and purpose of meeting, and at the said meeting the shareholders to whom shares have been allotted in the books of the Company, and who have paid ten per centum upon the Stock subscribed by them, present, either in person or by proxy, shall elect nine persons qualified as hereinafter provided to be Directors of the Company, which persons shall, with the heads of the Municipal Corporations qualified as by law provided, and with the persons appointed by the Municipal Councils as Directors in respect of bonuses as hereinafter provided, constitute the Board of Directors of the Company, and shall hold office until the second Wednesday in February, in the year following their election.

Who may vote at the same.
Term of office of Directors.

Annual general meeting^r.

14. On the said second Wednesday in February, and on the second Wednesday of February in each year thereafter, there shall be held at the principal office of the Company, at the City of Kingston, a general meeting of the shareholders of the Company, at which meeting the shareholders shall elect nine Directors for the ensuing year in the manner and qualified as hereinafter provided, and due notice of such general annual meeting and election shall be published for at least four weeks before the day of election. All the elections of Directors shall be by ballot, and the persons so elected, if qualified as hereinafter provided, shall, together with the heads of Municipal Corporations qualified as by law provided, and the persons appointed as Directors by the Municipal Councils in respect of bonuses, form the Board of Directors of the Company; but no person shall be so elected a Director as first mentioned, unless he shall be the absolute owner of at least twenty shares of the Stock of the Company, upon which all calls made by the Company have been paid up at the time of election.

Ballot : who may be Directors.

Directors appointed by Municipalities giving bonuses.

15. Any Municipal Council of a Municipality which has given a bonus in aid of the said Railway or its branches, amounting to not less than fifty 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 all the other Directors authorized by this Act, or the general Railway Act, or any other Act; but such Municipality shall incur no liability by the appointment of such Director.

Aliens may be shareholders, and vote, &c.

16. Aliens as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the Company, and all such shareholders shall be entitled to vote on their shares, and be eligible to office as Directors of the Company, being duly qualified as herein provided.

17. No shareholder shall be qualified to vote at any meeting in respect of any share on which at least ten per centum shall not have been paid, together with all calls due at the time of the meeting. Who may vote.

18. At all meetings of the Board of Directors, five of the Directors shall form a quorum for the transaction of business; and the Board may employ one or more of their number as paid Director or Directors. Quorum of Directors.

19. The said Board of Directors shall elect and appoint a President and a Vice-President, or Vice-Presidents, and the necessary officers, and fill up vacancies from time to time; but the said President and Vice-Presidents shall be elected annually, immediately after the election of Directors, except that in filling up a vacancy, the election may be made at any time. President, etc., and filling vacancies.

20. The said Board of Directors are hereby authorized to take all necessary steps for procuring subscriptions for stock, until the whole stock has been taken up, and to make, execute, and deliver scrip and share certificates therefor; as they shall deem expedient. Subscriptions of stock.

21. The said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than one hundred dollars, and every such promissory note and bill of Exchange drawn, accepted or endorsed by the President and a Vice President, and countersigned by the Secretary and Treasurer of the said Company, in pursuance of a resolution of the Board of Directors duly passed, shall be binding on the Company, whose said officers shall not be individually responsible for the same, unless the same shall have been done without the authority of the Board of Directors, in which case the Company or its shareholders shall not be in any way liable for or in respect of any such making, drawing, acceptance, or endorsement. Company become parties to Promissory Notes.

22. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls, and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures; and such bonds or debentures shall be in such form, and for such amount, and payable at such time and places as the Directors from time to time may appoint and direct. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto; provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter. Bonds or debentures may be issued: to be a charge on the railway, &c.

23. Conveyances of land to the Company may be made in the form set out in Schedule A to this Act, and may be registered; Amount limited. Conveyances of land to the Company: Form and effect of.

and such conveyances shall be as effectual to vest the lands therein described as granted, in the Company as any other form of conveyance which might be used; and the bar of dower therein contained shall be as effectual for the purpose of barring dower, whether inchoate or accrued, in the lands conveyed, as if drawn in any more extended or other form whatever.

Notice of meetings.

24. All meetings of the shareholders shall be called by a notice stating the purpose, time, and place of the meeting, published weekly or oftener, for at least four weeks previously to the day of meeting, in one or more newspapers published in the City of Kingston, and in the County of Renfrew, and in the *Canada Gazette*, which shall be conclusive evidence of the sufficiency of such notice; and a majority of the votes represented at the meeting either personally or by proxy, may transact and settle business at the meeting, and a special meeting may be held on the same day as the annual meeting, on due notice.

Majority of votes to decide.

Notice of calls.

25. Notices of calls shall be published weekly in one or more newspapers in the City of Kingston, and in the County of Renfrew, and in the *Canada Gazette*, which shall be conclusive evidence of the sufficiency of such notice.

Short title.

26. This Act shall be known and cited as "The Kingston and Pembroke Railway Act."

SCHEDULE A.

KNOW ALL MEN, that _____ A.B., (or *A.B. and others*) of _____ in consideration of _____ of lawful money, paid to by the Kingston and Pembroke Railway Company, the receipt whereof is hereby acknowledged (or *in aid of the Kingston and Pembroke Railway Company*), grant unto the Kingston and Pembroke Railway Company, their successors and assigns, all that tract or parcel of land and premises being composed of (*describe the land,*) TO HAVE AND TO HOLD the said land and premises unto the said Kingston and Pembroke Railway Company, their successors and assigns for ever (*if any trusts or conditions attached, insert,*) (*if dower released, add,*) and C. D. (or *C. D. and others*), wi _____ of the said grantor hereby bar _____ dower in the said lands.

Witness _____ hand and seal this _____ day of _____, A. D. 187 .

Signed, Sealed and Delivered, }
in presence of }

CAP. L.

An Act to incorporate the Sault St. Mary Railway and Bridge Company.

[Assented to 14th April, 1871.]

WHEREAS the persons hereinafter named and others have petitioned for incorporation as a company to construct a Railway from the Village of Sault St. Mary, in the District of Algoma, to connect with the projected railways in the Province of Ontario, at or near Lake Nipissing, and to extend a branch therefrom to connect with the Toronto, Simcoe, and Muskoka Junction Railway, at or near Bracebridge, in the County of Victoria, with power to construct a Railway Bridge across the River St. Mary, at or near the Sault St. Mary, to connect with the railways in the State of Michigan, one of the United States of America; And whereas, the construction of such a Railway and Bridge would be a work for the general advantage of Canada, and it is expedient to grant the prayer of the petitioners; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. James Saurin McMurray, Frederick W. Cumberland, John Beverley Robinson, Samuel Bickerton Harman, Angus Morrison, Wemyss M. Simpson, Anson G. P. Dodge, Eli Clinton Clark, Selden E. Marvin, John McIntyre, John M. Hamilton, James Bennett, Walter McCrae, T. W. Herrick, John J. Vickers, Esquires, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of the "Sault St. Mary Railway and Bridge Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by *The Railway Act*, 1868, subject, however, to the provisions hereinafter contained.

Certain persons incorporated.

Corporate name and general powers.

2. The said Company and their agents and servants may lay out, construct, and finish a double or single iron railway of such width or gauge as the company see fit, from the Sault St. Mary, in the District of Algoma, to connect with the projected railways at or near Lake Nipissing and extend a branch therefrom to connect with the Toronto, Simcoe, and Muskoka Junction Railway at or near Bracebridge, in the County of Victoria, and construct a Railway Bridge across the River St. Mary, at or near the Sault St. Mary, to connect with the Railways in the State of Michigan, one of the United States of America.

Line or lines railway, and bridge.

3. The Railway Bridge, to be built under the authority of this Act, across the River St. Mary, shall or may be used by any other Railway Company on such terms as may be mutually agreed on, and

Bridge to be available for other Railways, and on what conditions.

Arbitration
in case of
dispute.

and in the event of dispute the terms shall be settled by arbitration, each disputing party to select an arbitrator, and the two so chosen to select a third, a majority of whom shall decide. Should either disputing party, after ten days' demand in writing, neglect or refuse to appoint an arbitrator, then upon application to the Judge of the District of Algoma, accompanied by an affidavit of an officer of the Company having appointed an arbitrator, that the opposite party so refuses to appoint an arbitrator, the Judge shall appoint an arbitrator for the party so refusing.

Arrange-
ments with
other
Companies
for building
bridges, &c.

4. The said Company shall have power to unite with any other company incorporated or which may be incorporated by the laws of the State of Michigan, one of the United States of America, in building the said Bridge over the St. Mary River, and to enter into any contract or agreements with such company respecting the construction and maintenance thereof. The said Company shall have power to make running arrangements with railway lines in the Province of Ontario, situated upon the line hereby authorized to be constructed, or crossing or continuing the same, or to amalgamate with any such railway company upon terms to be approved by the shareholders at a special meeting called for that purpose.

Ferry over St.
Mary River
until the
bridge is
built.

5. The said Company shall have power to construct, charter, and navigate for the purpose of crossing the said St. Mary River until the Bridge over the river shall be completed, scows, boats, sail or steam vessels, for the purpose of carrying passengers and goods across the said river to and from any railway on the opposite side of the river in the State of Michigan, and shall also 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 this railway, or any of its branches, for the purposes of traffic in connection with the railway or any of its branches.

Capital Stock
and shares.
Application of
capital.

6. The Capital Stock of the said Company shall not exceed, in the whole, the sum of Ten Million Dollars, to be divided into shares of one hundred dollars each, which stock shall be raised by the persons hereinbefore named, and such other persons and Corporations as may become shareholders in the said Stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for the procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the Railway; and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said Railway, and other purposes of this Act.

Company may
receive lands,
&c., in aid,
and sell the
same.

7. It shall be lawful for the said Company to receive, either by grant from Government, or from any private individuals or corporations, as aid in the construction of the said Railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts, or in payment of stock, and legally to dispose of the same and alienate the lands or other real or

or personal property for the purposes of the said Company, in carrying out the provisions of this Act.

8. James Saurin McMurray, Frederick W. Cumberland, John Beverley Robinson, Samuel Bickerton Harman, Angus Morrison, Wemyss M. Simpson, Anson G. P. Dodge, Eli Clinton Clark, Selden E. Marvin, John McIntyre, John M. Hamilton, James Bennett, Walter McCrae, T. W. Herrick, John J. Vickers, the Honorable Frank Smith and J. D. Edgar, and the successor or successors of them shall be, and are hereby constituted, a Board of Directors of the said Company, with power to add to their number, and shall hold office as such until other Directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be Directors of the Company equally with themselves, to open Stock Books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Railway Act, 1868, may lawfully do.

Provisional
Directors
and their
powers.

The said Directors are hereby empowered to take all necessary steps for opening the Stock Books for the subscription of parties desirous of becoming Shareholders in the said Company, and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

Stock book,
and subscrip-
tions for
stock.

9. When and so soon as one-tenth part of the capital stock shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed or such greater per centage thereon as may be required to form a sum of not less than one million dollars, shall have been paid in, the said Directors, or a majority of them, may call a meeting of the Shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Sault St. Mary, Bracebridge and Toronto, at which said general meeting, and at the annual general meetings in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect nine Directors in the manner and qualified as hereinafter provided, which said Directors shall constitute a Board of Directors, and shall hold office till the first Tuesday in September, in the year following their election.

First general
meeting for
election of
Directors.

10. On the said first Tuesday in September and on the first Tuesday in September in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the Shareholders of the Company, at which meeting the said Shareholders shall elect a like number of not less than five nor more than seven Directors for the then ensuing year, in

Annual
general meet-
ing.

in the manner and qualified as hereinafter provided : and public notice of such annual meeting and election shall be published one month before the day of the election, in one or more newspapers in Sault St. Mary, Bracebridge and Toronto ; and the election of Directors shall be by ballot, and the persons so elected, shall form the Board of Directors, but no person shall be so elected as first mentioned unless he shall be the absolute owner of at least twenty shares of the stock of the company upon which all calls made by the company have been paid up.

Ballot.
Qualification
of Directors.

Directors and
their remuneration,
and
qualification.

11. A majority of the Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors ; provided however, that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company and shall have paid up all calls upon such shares.

Calls.

12. The Directors may at any time call upon the Shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and the Directors shall give one month's notice of such call, in such manner as they may appoint.

Company may
become parties to Promissory Notes,
&c.

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

Proviso :
Not to issue
bank notes.

Company may
issue Bonds
and Debentures
charged upon the
railway, &c.

14. The Directors of the said Company, are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls, and income of the company, or any, either, or all of them, as may be expressed by the said bonds or debentures ; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places as the Directors from time to time may appoint and direct. The said bonds or debentures shall be signed by

by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto; provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter.

Amount limited.

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

Aliens may hold stock, and vote, &c.

16. Any deed of conveyance of land to the said Company may be in the form of Schedule A to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes.

Form of deed of land to Company.

17. The powers given by this Act shall be exercised by the commencement of the said Railway or Bridge within three years after the passing of this Act, and its completion within eight years therefrom.

Time for making road limited.

18. This Act shall be known and cited as the "Sault St. Mary Railway and Bridge Act."

Short title.

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents, that I, A. B., in consideration of paid to me by the Sault St. Mary Railway and Bridge Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, and convey unto the said Sault St. Mary Railway and Bridge Company, their successors and assigns, all that tract or parcel of land (*describe the land*), to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal, this day of
one thousand eight hundred and

Signed, Sealed, and Delivered, } A. B. L.S.
in presence of }
C. D.
E. F.

CAP. LI.

An Act to incorporate the Fredericton and Saint Mary's Bridge Company.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, it has been represented, that in view of the increase in the construction of the Railways in the Province of New Brunswick, it is desirable that a Company should be incorporated with full powers to construct a Bridge across the River Saint John, between the City of Fredericton, in the County of York, in the Province of New Brunswick, and the Parish of Saint Mary's, or across the River St. John between the parish of Kingsclear and the parish of Douglas in the said County and Province, which shall form accommodation, not only as a Railway Bridge, but as a Road Bridge, for local purposes; and whereas the said River is a navigable River common in certain parts of its course to the Dominion and the United States of America, and the said Bridge as being connected with and forming a passage for Railways extending beyond the Dominion, is a work for the general advantage of Canada; and whereas, certain persons residing in the vicinity of Fredericton have petitioned to be incorporated for that purpose, and it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation, and corporate name.

1. John Pickard, M.P., Alexander Gibson, Thomas Temple, Archibald F. Randolph, Alexander Thompson, Henry G. C. Ketchum, C. E., Julius L. Inches, John J. Fraser, Stephen Glasier, Thomas Ramsay, R. D. Wilmot, Charles Burpee, together with such persons, municipalities and corporations as shall, from time to time, become proprietors of shares in the Company hereby established, their successors and assigns, are hereby constituted and declared to be a body politic and corporate by the name of the "Fredericton and Saint Mary's Bridge Company."

Bridges to be constructed.

2. The said Company shall have full power, under this Act to construct, maintain, work, and manage a Bridge across the River St. John from the City of Fredericton, to the said Parish of Saint Mary's, or across the River St. John between the parish of Kingsclear and the Parish of Douglas, for Railway purposes, and also for a Road Bridge for horses, cattle, carriages, teams and passengers; Provided always that the same shall not materially interfere with the navigation of the River St. John, and provided that the plans for the construction of the said bridge shall first be submitted for the approval of the Governor General in Council; and the powers conferred by this Act shall be held and exercised subject to the provisions of any Act passed during the present or

Proviso.

any

any further Session of Parliament relative to bridges over navigable rivers.

3. The capital stock of the said Corporation shall be three hundred thousand dollars, and shall be divided into three thousand shares of one hundred dollars each, to be paid at such times, and in such instalments, as the directors of the Company may require and direct; and the said Corporation may, if they think it necessary, increase the capital stock to the sum of four hundred thousand dollars, and may increase the number of shares accordingly.

Capital and shares.

Increase.

4. The first meeting of the said Corporation shall be held in the City of Fredericton aforesaid, and shall be called by any three of the Corporators whose names are set forth in the first section of this Act, by giving notice in any one of the newspapers published in Fredericton, at least fifteen days previous to such meeting for the purpose of organizing the Company.

First meeting of Corporators.

5. At such meeting every person who may be a subscriber to the stock list of the said Company, shall be entitled to vote, and any person holding one share, and not more than four shares, shall be entitled for such share or shares to one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have; and all stockholders resident within the Dominion or elsewhere, may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing from his constituent or constituents so to act; provided also, that no stockholder shall be entitled to hold more than two proxies.

Scale of Votes.

Proxies.

6. The stock list mentioned in the preceding section shall be the list of persons, municipalities or corporations who may signify in writing their consent to take stock in the said Company, by any writing subscribed by such persons or subscribed by the President, Warden, Secretary-Treasurer, or Secretary of any such municipality or corporation, specifying in such consent the amount of stock agreed to be subscribed for, such consent to be handed in on or before the day of such meeting, to either of the Corporators, Thomas Temple or Julius L. Inches.

Who shall be deemed Stockholders.

7. The said Company shall have full power to erect, make and sink all such piers, abutments, blocks and erections in the said River Saint John, as may be deemed necessary, not only for the construction of the said Bridge, but such as may be required or thought desirable efficiently to protect it from effects of ice and ice freshets, or for any other purpose in connection with the said Bridge that the said Company may see fit; and may build or cause the said Bridge to be built between the said City of Fredericton and the said Parish of Saint Mary's or across the said River from

Power to build the bridge and its approaches.

Power to enter upon and use land for that purpose.

All railways to have an equal right to use the Bridge.

Power to work trains, or to build branch railways to the Bridge.

Annual general meetings.

from the Parish of Kingsclear to the Parish of Douglas, at any point between the said places which may be deemed most advisable and fit for such Bridge ; and may build the necessary approaches thereto into and upon the lands and grounds lying on each side of the said river ; and may cut, level or raise the banks of the said river in such manner as may be deemed necessary or proper for building the Bridge ; and may cut, remove, take and carry away all and every impediment whatsoever which may in any wise tend to hinder the erecting and completing the said Bridge, and may execute all other things necessary, requisite, useful or convenient for erecting, building or maintaining and supporting the said Bridge ; and may from time to time, enter and go in and upon the lands and grounds adjacent to the said river on either side thereof for the purpose of making surveys, examination or other necessary arrangements for fixing the site of the said Bridge ; and may explore, lay out and make a road not more than six rods in width (for railway and roadway,) leading from either end of the said Bridge to the main post-road or to any street or road on either side of the said river.

8. When the said Bridge is completed, all trains of all railways or railroads which may terminate at Fredericton aforesaid, or at the Parish of Saint Mary's aforesaid, and now constructed or hereafter to be constructed, and which may connect the Province of New Brunswick with the United States of America, or with the Province of Quebec, shall have the right to pass over that part or portion of the said Bridge built for the carriage of railway trains, including the cars of any other Railway Companies which may be brought over such railways, at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favor of or against any railway or railroad whose trains or business may pass over the railway portion of the said Bridge.

9. The said Company are hereby authorized to work trains by steam for passengers and traffic between Fredericton and Saint Mary's, over the railway portion of the said Bridge, and to connect the said trains with other railways already constructed or to be hereafter constructed ; and if necessary to construct such branch line or lines of railroad as may be necessary to effect the junction of such Bridge with any railway constructed or hereafter to be constructed, either in the said city of Fredericton or Parish of Saint Mary's, or across the said River St. John between the Parish of Kingsclear and the Parish of Douglas.

10. The annual meeting of the shareholders of the said Company for the election of Directors and other general purposes, shall be held at the City of Fredericton on the Thursday after the first Tuesday in May in each and every year, after not less than ten days notice, in one or more daily papers published in the said City of Fredericton.

11. The Stock, property and affairs of the said corporation shall be managed by seven Directors who shall be elected at the annual meeting, each of whom shall be a holder of not less than ten shares of the stock of the Company, and shall hold their office for one year; the Directors for the time being may fill any vacancy occurring in the Board, by the appointment of some other qualified shareholder thereto, who shall hold office until the next annual election: the Directors shall at the first meeting after each election, and whensoever a vacancy in the said office may occur, appoint one of their number to be President who shall hold office until the next annual election.

Directors :
their number,
term of office,
and qualification,
&c.

President.

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

Calls limited.

13. The Directors of the said Company shall have power and authority to enter into and conclude arrangements with any Railway Company for the purpose of making any branch or branches to facilitate a connection between the said Bridge Company and such Railway Company.

Power to
make agree-
ments with
Railway
Companies.

14. The said Company are hereby authorized and empowered to lease said bridge, or any portion thereof, to any Railway Company, or make arrangement with such Company to use said bridge for railway purposes on such terms as they may agree upon, subject to the approval of the shareholders at a special meeting to be called for that purpose; and subject to the approval of the Governor in Council: and provided the Company hereby incorporated shall not be permitted to sell their franchises, and shall be responsible for the fulfilment of the conditions of this Act.

Company may
agree with
other Com-
panies, but
shall not sell
their fran-
chise.

15. When the said bridge shall have been completed, and its safety shall have been certified by such Engineer as the Governor General may appoint, the said Company may erect a gate or gates, and determine and establish the rate of tolls to be demanded for going upon or crossing such bridge, either for railway trains or for ordinary traffic: Provided always, that no such tolls shall be levied or taken until approved by the Governor General in Council, nor until after two weekly publications in some daily paper published in the City of Fredericton of the by-law establishing such tolls, and of the Order in Council approving thereof: And the Company may, from time to time, appoint one or more toll collectors to collect the tolls so authorised; and the rates of toll shall be fairly and legibly printed in large letters, and kept constantly exposed to the view of passengers; and the said Corporation may, by any such by-law, impose a penalty or fine, not exceeding ten dollars, for each and every offence, upon any person who shall, by any means whatever, wilfully attempt to pass over such bridge without the payment of toll, or who shall unlawfully seek to evade the payment of any toll for the crossing of the said Bridge, such fine to be recovered by action of debt before any Justice of the Peace for the County of York, with costs

Tolls when
the bridge is
completed
and certified.

Proviso.

Table of tolls,
and powers
for collection.

costs

costs of suit, and the amount, when recovered, to be applied to the use of the Corporation.

Punishment
for wilfully
damaging
works.

16. If any person shall wilfully or maliciously, and to the prejudice of the said undertaking, break, damage, throw down, or destroy any of the works to be erected or made by virtue of this Act, every such person shall be adjudged guilty of a misdemeanor; and every person so offending, and being thereof lawfully convicted, shall be imprisoned for any term not exceeding two years, in the common jail of the County of York, or not less than two, nor exceeding five years, in the penitentiary for the Province of New Brunswick, or fined in a sum not exceeding five hundred dollars, as the case may be, in the discretion of the Judge who may try the offender.

By-laws.

17. The said Company shall have full power to make, ordain, and establish all necessary by-laws and regulations not inconsistent with law, for their own government and for the due and orderly conducting of their own affairs; and the management of their property.

Passing mails,
&c., over the
bridge.

18. The said Company shall be subject to all such regulations, provisions, and conditions in reference to the transmission of mails and troops over the said bridge, as are or may be established by any law passed or to be passed, respecting the like transmission over any other railway or railways.

Time for com-
mencing and
completing
the works.

19. The said Company shall *bonâ-fide* commence the construction of the works contemplated by this Act within two years from the passing of this Act, and fully complete and finish the same within five years from the passing of this Act, otherwise this Act, and all the powers and privileges herein granted shall cease, determine, and become void to all intents and purposes whatsoever.

Certain parts
of Railway
Act to apply.

20. Such of the provisions of "The Railway Act, 1868," concerning "Lands and their valuation," as may apply to the lands required for the purposes of this Act shall be incorporated therewith, and be considered part thereof.

CAP. LII.

An Act to incorporate the Dominion Telegraph Company.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, the Dominion Telegraph Company, which has been incorporated under the General Law relating to Electric Telegraph Companies, has prayed for a special Act of Incorporation

poration with the extended powers hereinafter set forth, and it is desirable to grant the same; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Honorable John McMurrich, the Honorable William Cayley, the Honorable John Hillyard Cameron, the Honorable Matthew Crooks Cameron, John Michie, and their associates, and all other persons who are now or may hereafter become stockholders in the Dominion Telegraph Company are hereby constituted a body politic and corporate by the name of the Dominion Telegraph Company; and the head office of the said Company shall be in the City of Toronto in the Province of Ontario.

Certain persons incorporated. Head Office.

2. The said Company shall have power to establish, construct, purchase, lease or work any line or lines of Telegraph from and to any place or places in the Dominion of Canada, either by land or water, over which exclusive telegraph line rights do not now exist by any law of the Dominion or of any Province of the Dominion, and from and to any place or places without the Dominion of Canada, and to make connection with the line or lines of any telegraphic company in the United States of America or elsewhere, and to aid or advance money to build or work any such line in the said United States, and also to borrow such sum of money not exceeding the amount of the paid up capital of the Company, as the Directors shall deem necessary, and to issue bonds therefor which shall be a first charge upon the whole lines, works and plant of the Company, in such sums and at such rate of interest, and payable at such times, as the Directors shall determine, for the purpose of carrying out any of the objects or purposes of this Act. Provided always, that such powers shall not be exercised in the Province of Nova Scotia without agreement with the Telegraph Companies existing in that Province at the time of the passing of this Act.

Company may construct certain lines of telegraph.

May borrow money on bond chargeable on their works.

Proviso.

3. The said Dominion Telegraph Company, incorporated under the General Law relating to Electric Telegraph Companies, is hereby merged in and declared to be the Dominion Telegraph Company incorporated by this Act, and all the properties, rights, credits, debts, and liabilities belonging or attached to the said first mentioned Company or any shareholder thereof, are hereby declared to belong and be attached to the said Dominion Telegraph Company incorporated by this Act, and to every such shareholder of the said last mentioned Company.

Existing Company merged in Company hereby created.

4. The said Company may lay down, erect and maintain its line or lines of Telegraph along the sides of and across any public highways, bridges, water-courses or other such places, or under any navigable waters either wholly in Canada or dividing Canada from any other country, provided the said Company shall not interfere with the public right of travelling thereon; and may enter upon any lands or places, and survey, set off and take such parts

Powers for constructing the lines.

parts thereof as may be necessary for such line or lines of telegraph; and in case of disagreement between the said Company and any owner or occupier of lands which the said Company may take for the purposes aforesaid, or in respect to any damage done to the same by constructing the line or lines through or upon the same, the said Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision (on the matter in difference) of any two of them in writing, shall be final; and if the said owner or occupier, or the agent of the said Company neglects or refuses to choose an arbitrator within four days after notice in writing, from the opposite party to him, and upon proof of personal service of such notice, or if such two arbitrators when duly chosen, disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Minister of Public Works, for the time being, to nominate any such arbitrator or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided; Provided always, that nothing herein contained shall be construed to confer on the said Company the right of building a bridge over any navigable river in Canada, or of erecting posts or placing their lines of Telegraph upon the line of any Railway without the consent of the Company to which such Railway belongs.

Arbitration as to damages.

Proviso: as to navigable rivers.

Power to lease other lines or amalgamate with other Companies.

5. The said Company shall have power and authority to purchase or lease for any term of years any telegraphic line established or to be established either in Canada or in any other British Possession, or in the territory or territories of any foreign Power or State, connecting or hereafter to be connected with the line which the Company is authorized to construct, or to purchase or lease for any term of years, the right of any Company to construct any such telegraph line,—and shall also have power and authority to amalgamate with any Company, Board or persons possessing as proprietors any line of telegraphic communication connecting or to be connected with the Company's line, either in Canada, in any other British Possession, or in the territory of any Foreign State or Power, whether on the Continent of America or in any other part of the world.

Capital and shares. Increase of Capital.

6. The Capital of the said Company shall be Five Hundred Thousand Dollars, and shall be divided into shares of Twenty-five Dollars each; and the said Capital may be increased, from time to time, by resolution of the Central Board of Directors, by and with the consent of a majority in value of the Shareholders; but such capital shall at no time be made to exceed One Million of Dollars.

Provisional Directors appointed.

7. The Honorable John McMurrich, the Honorable William Cayley, the Honorable J. H. Cameron, John Michie, Esquire, A. R. McMaster, Esquire, T. N. Gibbs, Esquire, M.P., P. T. Mackenzie, Esquire, A. Copp, Esquire, and S. Neelon, Esquire, are hereby constituted the Board of Directors of the said Company, and

and shall hold office as such until other Directors shall be elected by the Shareholders, in the manner hereinafter provided.

8. The Directors of the Company shall have power and authority to open Stock Books and to procure subscriptions for the undertaking, to make calls upon the subscribers, and to cause surveys and plans to be executed.

Power to open stock-books, and to adopt other preliminary measures.

9. Every subscriber to, or holder of any of the Stock of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company.

Subscribers or holders of stock to become members.

10. The concerns of the Company shall be managed by a Board of Directors, to consist of nine members, and each such Director shall be proprietor of at least ten shares in the stock of the Company, and they shall be elected and hold office as hereinafter provided.

Board of Directors, and qualification.

11. Aliens shall have equal rights with British subjects to take stock, to vote, and to be eligible to office in the said Company; and no Shareholder shall be liable beyond the extent of the stock subscribed by him, for any debt contracted by the Company.

Rights of Aliens: and limited liability of shareholders.

12. The Directors shall appoint one of their number to act as President, and another to act as Vice-President; and may appoint such other officers and agents as they shall deem necessary; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices; three of the Directors shall form a quorum, and all questions shall be decided by a majority of votes of the Directors present, and upon every equal division the President or the Chairman for the time being, shall give his casting vote in addition to the vote previously given by him as one of the Directors; and the Directors may appoint Honorary or Local Directors, if they think proper so to do, at any time.

President, Vice-President, &c.

Quorum of Directors. Casting vote.

Honorary Directors, &c.

13. The Directors of the said Company for the time being, may open, or cause to be opened, stock-books for the subscription of parties desiring to become shareholders in the Capital Stock of the said Company, in such places as they shall think fit, and may make such shares payable in such manner as they shall see fit, and may make the dividends thereon payable at such place or places as to such Directors shall from time to time seem fit, and from time to time may appoint agents of the said Company in or out of Canada, and may delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and may make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of shares, and as to the mode, time, place, or places of the transfer of such shares, and as to the mode, time, and place of paying

Stock-books may be opened out of Canada.

Further powers of Directors' agents.

Transfer of shares, dividends, &c.

paying the dividends from time to time to accrue thereon, and otherwise, as shall be deemed requisite or beneficial, for giving full effect to the powers hereby vested in the Directors of the said Company in respect of issuing such shares.

Term of office.

14. The said Directors shall hold office until the first annual meeting of the Stockholders of the Company after the passing of this Act, and at all meetings of the Stockholders each share shall entitle the holder to one vote, which may be given either in person or by proxy.

Votes and proxies.

Annual general meetings; Election of Directors.

15. On the second Tuesday of the month of January, in each year, or on such other day as the Directors shall by any by-law, from time to time, appoint, there shall be held a general meeting for the election of Directors at the City of Toronto, and one month's notice of every such meeting shall be given by the Directors in one or more newspapers published in the City of Toronto; and at every such general meeting the Directors in office, or any of them, may be re-elected.

Vacancies how filled.

16. Whenever one or more of any such Directors die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or persons so dying or resigning.

Power to make By-laws and regulations.

17. The Directors may, from time to time, make, alter, amend or repeal such Regulations and By-laws as may be necessary for the management of the affairs of the Company generally.

Calling in stock and enforcing payment.

18. The Directors may require payments of subscription to the said Capital Stock, at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments thereon; and the said Company may sue for and recover all such subscriptions; notice of the times and places of such payments shall be published for four weeks previous to such times, at least once in each week, in the *Canada Gazette*, and in such other newspapers as the Directors may think proper.

Notice.

Transfer of shares.

19. All and every the shares in the Capital Stock of the said Corporation, and all profits and advantages thereof, shall be deemed to be personal estate, and shall be transferable and transmissible as such; provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; and provided also, that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, such stockholder shall cease to be a member of the said Corporation.

Proviso.

Proviso.

Power to enter on lands &c., and do certain work thereon.

20. The said Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic, corporate and collegiate, or communities whatsoever, and

and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Telegraph, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Telegraph and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Telegraph or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act. and to build, erect and set up, in or upon such lands, such and so many station-houses and observatories, watch-houses and other works, ways, roads and conveniences, as and where the said Company shall think requisite and convenient for the purposes of the said Telegraph; And also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works upon or across any non-navigable rivers or brooks for the making, using, maintaining and repairing the said intended Telegraph; And to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Telegraph and other works, in pursuance of and according to the true intent and meaning of this Act, and whensoever and wheresoever the said Telegraph shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said Telegraph upon which such trees and underwood may be, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction, wherever required so to do, to the owners or proprietors of or the persons interested in the lands, tenements, or hereditaments, water, water-courses, brooks or rivers, respectively, which shall be taken, used, removed or prejudiced, or woods in which trees or underwood shall be cut down, or for all damages to be by them sustained in or by the execution of all or any of the powers of this Act; Provided always that the said Company shall not cut down or mutilate any tree planted or left standing for shade or ornament or any fruit tree, unless it be necessary so to do for the erection, use, or safety of any of its lines.

Compensation
for damages
done.

Proviso: as to
fruit or
shade trees.

21. The said Company shall have full power and authority to set up posts for supporting the wires of the said Telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wires under the surface thereof, or of any navigable

Power to set
up posts on
roads, &c.

navigable or other water, and such posts, and wires and other apparatus therewith connected, shall be the property of the said Company, as shall also all such posts or poles or apparatus as shall be set up or carried under the surface of land or water by the said Company for the purposes aforesaid, although the lands or waters on which the same are set up or carried under the surface, be not the property of the said Company.

Company bound to transmit despatches in regular order.

22. It shall be the duty of the Company (subject to the provision in the next following section) to transmit all despatches in the order in which they are received, under a penalty of not less than twenty nor exceeding one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order; and the said Company shall have full power to charge for the transmission of such despatches, and to receive, collect and recover such rates of payment as shall be from time to time fixed by By-laws made by the Directors.

Proviso as to Government Messages. &c.

23. Provided that any message in relation to the administration of Justice, the arrest of criminals, the discovery or prevention of crime, and Government Messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of Justice or any person thereunto authorized by the Secretary of State of Canada.

Penalty on operators divulging contents of despatches.

24. Any operator of the said Telegraph Line, or person employed by the Telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Punishment of persons injuring the works.

25. Any person who shall wilfully or maliciously injure, molest or destroy any of the said lines, posts, piers or abutments or the material or property belonging thereto, or in any way obstruct the working of the said line of Telegraph, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be liable to be punished in the manner by law provided for such offence.

CAP. LIII.

An Act to amend the Act incorporating the Sun Insurance Company of Montreal.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS the Sun Insurance Company of Montreal have by their petition prayed that the Corporate name of the said Company may be changed, and it is expedient to grant the prayer
of

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 Corporate name of the said Company shall hereafter be “The Sun Mutual Life Insurance Company of Montreal.” Name changed.

2. The said change of name shall not in any manner affect the rights, claims, assets or liabilities of the said Company, all of which shall remain vested in or obligatory upon the Company by its new name, in the same manner and to the same extent as they were vested in and obligatory upon the said Company by the Corporate name originally conferred upon it. Rights and liabilities not affected.

3. The powers of the said Company are hereby restricted to Life and Accident Insurance. Powers of Company.

4. All provisions of the Act of Incorporation of the said Company, and of the Act amending the same, which are inconsistent with the provisions of this Act, are hereby repealed. Inconsistent enactments repealed.

CAP. LIV.

An Act to incorporate the “Confederation Life Association.”

[Assented to 14th April, 1871.]

WHEREAS, Sir Francis Hincks, The Honorable William Pearce Howland, The Honorable William McMaster, The Honorable Edmund Burke Wood, James Young, Thomas N. Gibbs, William McGiverin, The Honorable Matthew Crooks Cameron, B. Homer Dixon, William Elliott, Edward Hooper, J. Herbert Mason, Robert Wilkes, William Gooderham, Junior, William H. Beatty, Benjamin Morton, John K. Macdonald, J. B. Cherriman, M.A., John P. Russell, Orlando S. Winstanley, Christopher Salmon Patterson, James Beaty, Junior, and John M. Trout, have by their Petition prayed that an Association under the name and title of the “Confederation Life Association” may be incorporated, for the purpose of enabling the said Petitioners and such others as are or shall become members to carry on the business of life insurance in all branches and modes of conducting the same: 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 above named petitioners, having complied with the conditions of this Act as to subscriptions of stock, with such persons as shall become members of the said Association, and their respective Incorporation.

- Corporate name. respective executors, administrators, and assigns, are hereby constituted and declared to be a Corporation or Body Corporate, by and under the name and title of the "Confederation Life Association," for the purpose of carrying on the business of Life Insurance in all branches and modes of conducting the same, throughout the Dominion of Canada or elsewhere; and shall be capable of acquiring by purchase, lease, mortgage, or otherwise, and of holding absolutely or conditionally, lands and real estate and personal property, and of selling, alienating, transferring, conveying, and disposing of the same.
- Powerto hold property. Proviso, as to the manner in which only real estate may be acquired. Provided always, that nothing herein contained shall be construed as authority to the Association to hold real estate acquired by purchase in the first instance, as the absolute property of the Association, or in any other way than through the investment of its funds as hereinafter provided in mortgage on real estate, or on the security thereof, beyond the annual value of twenty thousand dollars in any Province of Canada.
- Proviso: real estate so acquired to be sold, &c. Provided, further, that all real estate acquired as the absolute property of the Association through the investment of its funds in mortgages thereon, or on the security thereof, shall be sold and conveyed within ten years from the time of its becoming the absolute property of the Association.
- Head office. The head office of the said Association shall be in the City of Toronto.
- Common seal. **2.** The said Association shall have a Common Seal, and may sue and be sued, contract and be contracted with in the corporate name aforesaid.
- Business: and on what plan to be carried on. **3.** The said Association is authorized to transact and carry on all kinds of life insurance business on the mixed plan, or on the stock and mutual plans combined, or on either plan, or such other plan or principle as the General Board of Directors may from time to time determine and direct.
- Capital stock: May be increased to \$1,000,000. **4.** The capital stock of the said Association shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act, with power to the General Board of Directors to increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding in the whole one million dollars.
- Proviso: Increase of stock to be confirmed by shareholders. Provided, that no increase of stock shall be made or new stock issued until the resolution of the General Board authorizing such increase or issue of new stock, shall first be submitted to and confirmed by a special meeting of shareholders to be called for that purpose.

5. No policies of insurance shall be issued under the authority of this Act until the capital stock of five hundred thousand dollars shall be subscribed for, and ten per cent. paid thereon.

Conditions previous to issue of any policy.

6. When duly licensed under the Act respecting Insurance Companies, the said Association shall have power to make and issue policies of insurance on lives, and to make and effect contracts of insurance with any person or persons, bodies politic or corporate, upon life or lives either for a period of life or lives or other periods in any way dependent upon life or lives, and to buy, sell, grant, and otherwise acquire and dispose of the same, and to buy, grant, or sell annuities either for a life or lives or otherwise, and on survivorship, and to buy, sell, grant, and otherwise acquire and otherwise dispose of annuities and endowments of every description on the lives of both adults and children, and to purchase contingent rights, whether of reversion, remainder, annuities, life policies, or otherwise, and generally to enter into any transaction depending upon the contingency of life and all other transactions usually entered into by life insurance companies or associations, including re-insurance.

When to commence business.

Insurance on lives.

Annuities.

Endowments.

General powers.

7. The members of the said Association shall be all persons having subscribed for stock therein, or become shareholders, and all persons actual holders of policies from the said Association (whether such holders of policies shall be holders of shares or not in the said Association) who shall, by the terms of the said policies, be entitled to participate in profits, and who are otherwise known as holders of "participating policies," and such holders of participating policies shall also be entitled to participate in the management and earning of the same as herein provided.

Members : Shareholders, and holders of participating policies.

8. The general management of the Association is hereby vested in a Board of Directors, which may be known as the "General Board," which shall (in addition to *ex officio* members) be composed of not less than fifteen nor more than twenty members of the said Association, at least nine of whom shall reside in the City of Toronto or its vicinity; and of the whole Board, not less than one-half shall be shareholders and not less than one-third shall be holders of participating policies. Five members of the said Board shall form a quorum.

General Board of Directors.

Quorum.

9. The said General Board shall consist, until the first annual election hereinafter provided for, of the following persons:—Sir Francis Hincks (who shall also be President), the Honorable William Pearce Howland and the Honorable William McMaster (who shall also be Vice-Presidents), the Honorable M. C. Cameron, the Honorable E. B. Wood, James Young, William McGiverin, Thomas N. Gibbs, William Elliot, B. Homer Dixon, Edward Hooper, J. Herbert Mason, Robert Wilkes, William Gooderham, Junior, W. H. Beatty, and B. Morton; who shall have power to open stock books, and do generally what may be necessary to organize said Company.

Members of Board until first election.

Their powers.

Election of
Directors :
Annually in
Toronto.

10. 1. There shall be in the City of Toronto annually an election of Directors of the General Board from among the members of the said Association, whether shareholders or holders of participating policies (otherwise duly qualified) who shall hold office in such General Board until their successors are elected in each year.

General
Board to fix
number of
Directors.

2. The General Board shall, by By-law to be passed at least one month before the annual election, appoint the number of Directors, not being less than fifteen nor more than twenty, to be elected for the ensuing year, and in default of such appointment the number of Directors shall remain the same as in the preceding year.

President and
Vice-Presi-
dents.

3. The Directors of the General Board shall from among their number elect a President and two Vice-Presidents, at least one of whom shall be elected from among the Directors resident in the City of Toronto or its vicinity.

Qualification
of Directors.

11. No person shall be eligible for election to the General Board unless he shall be a shareholder to the extent of at least five thousand dollars, and shall have actually paid all calls made on his shares, or shall be a holder of a participating policy of the said Association on his own life, or shall be the legal and beneficial holder of one or more participating policies on the life or lives of some other person or persons for an amount not less than five thousand dollars.

Voting :
Vote on
shares, and on
participating
policies.

12. Every shareholder shall be entitled (either in person or by proxy) to one vote for every share he holds in the capital stock of the said Association, and every holder of a participating policy of the said Association, for a sum not less than one thousand dollars, shall be entitled to one vote for each one thousand dollars in his policy. Any proxy must be himself a member entitled to vote.

Proxies.

General
Board may
fill vacancies,

13. 1. The General Board of Directors shall have power to fill vacancies in the General Board or Committees of the Board or in the officers of the Board, or of the Association, from time to time as they occur.

And appoint
officers, &c,

2. They shall also have power to appoint all the officers of the Board, or of the Association, including at the head office a General Manager, Actuary, General Secretary, Medical Examiner or Examiners, Solicitors or firm of Solicitors, or any one or more of them, and to fix their remuneration and term of office, and to determine and approve of their duties, obligations, and securities, and to remove or dismiss such officers, and to appoint all other officers and agents and to remove or dismiss the same at any time, and to select one or more Banks in which the current funds of the Association may be deposited.

And remove
or dismiss
them.

May make
calls, and en-
force them.

3. They shall have power to make calls for such sums or amounts and at such times upon the shares of the respective shareholders

as they may deem requisite, for the purposes and interests of the Association, and to sue for and enforce the payment of the same. But no shareholder shall be liable, in any event or for any purpose, beyond the amount of his subscribed stock.

Liability limited.

4. They may also declare all shares forfeited on which such calls have not been duly paid, and may allot the same or any part thereof to any member or person, or sell the same or any part thereof as they may direct.

May forfeit shares, and allot or sell the same.

5. They shall also have power to charge the holders of participating policies with losses to the extent to which they have been credited with profits, if the losses require it, and retain the amount so charged out of such profits, or such profits as may be declared as such and credited to such holders of participating policies at any time, 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.

What participating policies may be charged with, and to what extent.

6. They may from time to time set apart such portion of the net profits as they shall deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources, and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been so distinguished as having been derived from participating policies to the extent of not less than ninety per cent. thereof; but no dividend or bonus shall at any time be declared or paid except out of profits, but the portion of such profits which shall remain undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared, and the General Board shall not be obliged to allot such portion of profits to such holders of participating policies oftener than once in five years.

May declare dividends and bonuses :—

As to holders of participating policies.

No dividend except out of profits.

Proviso as to participating policies.

7. They may make all such by-laws, rules, and regulations for their own government and for the government and guidance of the Committees of the Board and of the officers of the Board or of the Association and of the Provincial Boards and Managers, for the issuing of policies, and in what form and with what conditions, restrictions, and limitations, and for the investment of the funds of the Association and for determining computations and rates of premiums of insurance, and for the time and manner of the increase of the capital stock or of the issue of new stock, and the mode in which the same shall be appropriated, allotted, or sold, and for determining the number of Directors within the limits provided, and for the regulation of elections and the time and manner of notice thereof, and for the calling of annual and special meetings and the time and manner of notice thereof, and for the declaration of dividends and bonuses and division of profits and the rates thereof, and the appropriation thereof, and the manner and time of payment, and

May make by-laws, &c., For government, &c., For issuing of policies, For investments, For rates of premium, For increase of capital. For determining number of Directors, For regulating elections, For calling of meetings. For declaring dividends.

For general purposes.

and generally for the management, guidance, direction, and regulation of the business and affairs of the Association with respect to any subject, matter, or thing whatsoever, as shall from time to time appear to them necessary for the proper and satisfactory working of the Association, or of the powers and rights conferred by this Act; and such By-laws, rules and regulations shall only have force until the next meeting of the stockholders unless then confirmed by them.

Committees of General Board.

14. The General Board may appoint of their own members such committees with such powers and to discharge such duties as the General Board 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 General Board.

Departments.

15. 1. The General Board may appoint agents in all places in Canada where they shall decide to carry on business, who shall be subject to the orders and removable at the pleasure of the General Board, and may establish a Department in each Province of the Dominion (other than Ontario) with an officer in a principal city or town therein, which Department shall be known as a Provincial Department or the Department of such Province.

Manager.

2. Each such Provincial Department shall be managed by a person to be appointed by the General Board for such term of office and at such remuneration as they may determine upon; he shall be known as the "Manager" of such Department.

Provincial Boards.

3. The said Manager may have associated with him an advising board, otherwise known as a Provincial Board or Board of the Department, composed of such persons as may be appointed by the General Board, and each member of such Provincial Board shall be resident in the Province so set apart, and shall hold at least twenty shares in the capital stock of the said Association with all calls paid up, or shall be the holder of a participating policy therein on his own life or the life or lives of another person or persons, to the amount of at least five thousand dollars.

Qualification of members.

Chairman.

4. The Board of each Department shall be presided over by a member thereof, who shall be known as Chairman of the said Provincial Board.

Officers thereof.

5. The Board of any Department may appoint, under the direction and with the approval of the General Board, such necessary local officers, Medical Examiners, Solicitors, Bankers, and Agents as they may deem requisite to carry on the business of the Association in such Department, and remove or dismiss the same.

Business and powers of such Board.

6. The Provincial Boards shall have the immediate management and supervision of the business of their respective Departments, subject, however, to this Act and to the by-laws, rules, regulations, and instructions of the General Board, and the inspection and supervision

supervision of the said General Board, or of any officer whom they may appoint for that purpose; provided always that the Provincial Boards shall not have power to issue any policy or policies of Insurance. Proviso.

7. Whenever, in any of the local Provinces, suits or other legal proceedings are taken against the said Company, process may be served at the office of the Local Manager for said Province, or upon such Local Manager personally. Service of process in Provinces.

16. All policies of insurance, endowments, and annuities, and all contracts of the said Association, shall be sealed with the common seal of the said Association, and shall be signed by the President or a Vice-President and the General Manager, or such officer as the General Board may appoint for that purpose; pending the issue of a policy, an "interim" receipt shall be binding on the Company. Policies: To be sealed and signed. Interim receipt.

17. Whenever any holder of a policy shall fail to make payment of premiums as required by the conditions of his policy before two full annual premiums shall have been paid, such policies shall be void and all moneys paid on account of the same shall be forfeited to the Association, but such policy may be reinstated upon such terms and conditions as shall be expressed in or endorsed on the same. Policies forfeited in certain cases,

18. Whenever any holder of a policy shall have made payment of two or more annual premiums as required by the conditions of his policy, and shall fail to pay any further premiums, the premiums paid on such policy shall not be forfeited, but such policy shall become a paid up and commuted policy for such sum as the General Board may ascertain and determine, upon principles adopted by by-laws applicable generally to all such cases as may occur. But may be commuted in certain cases.

19. Whenever any holder of a policy shall decide to surrender his policy after two or more annual premiums shall have been paid thereon, he shall receive, in consideration of such surrender, such sum as may be ascertained and determined upon by the General Board, to be ascertained and determined in the manner provided by the last preceding section. As to Policies surrendered.

20. In case a participating Policy is issued on the life of a husband or father, for the benefit of his wife or children, the husband or father shall be a member of the Association. Husband, &c., to be member in certain cases.

21. It shall be lawful for the said Association 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 of any incorporated Building Society or Bank, or on the security of real estate or mortgage security thereon, Investments. In or on Dominion Debentures, &c, Provincial Debentures, &c., of Municipal Corporations,

Building Society,
Or bank,
Or on the stock of,
Or on real estate,
Or mortgages,
To hold in corporate name.
Loans, &c.,
On what conditions.

thereon, or on the security of leaseholds for term or terms of years, or other estate or interest in real property or mortgage security thereon, in any Province of the Dominion, and to take, receive and hold all or any of such securities in the corporate name of the Association, whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the said Association on the security of the said debentures, bonds, stock, mortgages, or other securities 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 General Board 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 the said Association, 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; provided also that the investments on the security of real estate, or mortgage security thereon, or leasehold, shall not exceed twenty-five per cent. of the total investments of the Company.

Proviso.

Special meetings of shareholders: how called, &c.

22. In addition to the annual meeting for the election of Directors, as hereinbefore provided, a special meeting may at any time be called to meet in the City of Toronto, upon the requisition in writing of any eight members of the General Board, or of any one hundred members of the said Association, which requisition shall be addressed to the President, or in his absence to the Vice-Presidents, who shall, within one month after the receipt thereof, convene such special meeting; such requisition shall concisely state the purpose for which such special meeting shall be called.

Shares how transferable.

23. The shares of the Association shall be transferable by the parties holding the same according to by-laws or rules of the Association, and shall be transferred when the transfers thereof shall be registered in the Transfer Book of the Association at the Head Office; provided always, that no share shall be transferred until all calls due thereon shall have been paid.

When otherwise transmitted.

24. The transmission of the interest in any share of the stock of the said Association in consequence of the marriage, insolvency, or death of the shareholder, or by any means other than the ordinary transfer, shall be proved and authenticated in such form, by such proof, and generally in such manner as the General Board may from time to time require, or by by-law direct.

How proved.

Enforcing calls.
What to allege.

25. In any action for the recovery of calls, or arrears on calls, it shall be sufficient for the Association to allege that the Defendant being an owner of shares therein, is indebted to the Association in respect of so many shares, in the sum due, whereby an action hath accrued to the Association by virtue of this Act; and at the trial it shall only be necessary to prove that the Defendant was owner

of shares in the Association, and that such call was made accord-
 ing to the by-laws or rules of the Association; it shall be unne-
 cessary to prove the appointment of the Directors who made such
 calls, or any other matter whatsoever, except what is before
 declared, and a copy of any by-law, rule, regulation, or minute, or
 of any entry in any Book of the Association, certified to be a true
 copy or extract under the hand of the President, or a Vice-Presi-
 dent, or the Manager or Secretary of the Association, and sealed
 with the Corporate Seal, shall be received in all Courts and pro-
 ceedings as evidence of such by-law, rule, regulation, minute or
 entry, without further proof thereof, and without proof of the
 official character or signature of the officer signing the same, or
 of the corporate seal.

What to
 prove.

Copies of by-
 laws, &c., to
 be evidence.

26. The Association shall not be bound to see to the execution
 of any trust, whether expressed, implied or constructive, to which
 any share or shares of its stock may be subject, or to which any
 policy or policies shall be subject, and the receipt of the person in
 whose name any share stands, or by whom any policy or policies
 appear to be held in the books, shall be a sufficient discharge to
 the Association for any money paid in respect of such share or
 shares, or policy or policies, notwithstanding any trust to which
 they, or any of them may be held subject, and whether or not
 the Association shall have had notice of such trust.

Association
 not bound to
 see to trusts.

27. No Director or Officer of the Association shall become a
 borrower of any of its funds, nor become surety for any other
 person who shall become a borrower from the said Association.

No Director
 to borrow
 from Associa-
 tion, &c.

28. This Act, and the Company hereby incorporated, and the
 exercise of the powers hereby conferred, shall be subject to the
 provisions contained in the Act thirty-first Victoria, chapter forty-
 eight, intituled "An Act respecting Insurance Companies," and to
 such other legislation on the subject of Insurance as may from
 time to time be passed.

This Act and
 the Company
 to be subject
 to Acts re-
 specting In-
 surance.

CAP. LV.

An Act to incorporate the Isolated Risk Fire Insurance
 Company of Canada.

[Assented to 14th April, 1871.]

WHEREAS the Honorable George Brown, Edward Blake, Preamble.
 Robert Wilkes, H. P. Dwight, A. D. Shaw, W. F. McMaster,
 J. A. Aldwell, John D. Irwin, and J. H. Kerr, have by their petition
 represented that the establishment of an association for the insur-
 ance of Fire risks would be greatly beneficial to the interests
 of

of the Dominion, and tend to the retaining therein of a large portion of the money annually sent to foreign countries as premiums for such insurance, and have prayed that they may be incorporated for the purpose of carrying on a business of this description, by the name of "The Isolated Risk Fire Insurance Company of Canada;" and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Company in-
corporated.

1. The persons hereinbefore mentioned having complied with the requirements of this Act, as to subscriptions of stock, and all such persons as now are, or hereafter shall become shareholders of the said Company, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in law, in fact, and in name, by the style and title of "The Isolated Risk Fire Insurance Company of Canada," for effecting insurance against fire.

Name.

Capital stock
and shares.

2. The capital stock of the said Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always that it shall and may be lawful for the said Company to increase its capital stock to a sum not exceeding one million dollars, as a majority of the shareholders at a special general meeting, to be expressly convened for that purpose, shall agree upon.

Increase of
capital stock.

Provisional
Directors.

3. For the purpose of organizing the said Company, the persons named in the preamble to this Act, shall be Provisional Directors thereof, and they, or a majority of them, may cause stock books to be opened, after giving due public notice thereof, upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the said Company; and such books shall be opened in the City of Toronto and elsewhere, at the discretion of the said Provisional Directors, and shall remain open so long as they deem it necessary.

To open stock
books.

First general
meeting and
election of
Directors.

4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed, as aforesaid, and five per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders, at some place to be named in the City of Toronto, giving at least ten days notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city; at which general meeting the shareholders present, in person or by proxy, shall elect nineteen Directors, in the manner, and qualified, as hereinafter provided, who shall constitute a Board of Directors, and shall hold office until the first Wednesday in July in the year following their election.

Term of office.

Calls on
shares.

5. The shares of capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall

shall appoint; no such instalment shall exceed ten per cent., and not less than six months notice thereof shall be given; and Executors, Administrators and Curators paying instalments upon the shares of deceased shareholders, shall be, and they are hereby respectively indemnified for paying the same: Provided always, that it shall not be lawful for the said Company to commence the business of fire insurance until a sum not less than fifty thousand dollars shall have been actually paid in on account of the subscribed stock.

Amount to be paid in before commencing business.

6. The stock, property, affairs and concerns of the said Company shall be managed and conducted by nineteen Directors, one of whom shall be chosen President and one Vice-President, who, excepting as is hereinbefore provided for, shall hold office for one year; which Directors shall be shareholders, residing in Canada, and be elected at the annual general meeting of shareholders, to be holden at Toronto, on the first Wednesday in July, in each year, or such other day as may be appointed by By-law, not less than ten days notice of such meeting being given, as provided in section four; and the said election shall be held and made by such of the shareholders present, in person or by proxy, as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot; and the nineteen persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes, in such a manner that a greater number of persons shall appear to be chosen as Directors, then the Directors who shall have a greater number of votes, or the majority of them, shall determine which of the said persons, so having an equal number of votes, shall be the Director or Directors, so as to complete the whole number of nineteen: and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be the President, and one to be the Vice-President; but shareholders not residing within the Dominion of Canada shall be ineligible, and if any Director shall move his domicile out of Canada, his office shall be considered as vacant; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or the majority of them, electing in such place or places, a shareholder or shareholders, eligible for such an office; Provided always that no person shall be eligible to be or continue as Director, unless he shall hold in his name, and for his own use, stock in the said Company to the amount of twenty shares, whereof at least ten per cent. shall have been paid in, and shall have paid all calls made upon his stock, and all liability incurred by him with the Company.

Annual general meetings.

Election of Directors.

Who may vote.
Proxies.
Ballot.

Equality of votes.

President and Vice-President.

Vacancies.

Qualification of Directors.

7. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall be lawful

Provision in case of failure to hold election.

lawful

lawful on any other day to hold and make an election in such a manner as may be regulated, directed and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made.

Mode of voting at general meetings.

8. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid : such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder ; and no shareholder shall be entitled to give more than one hundred votes upon proxies held by him. And all questions proposed for the consideration of the shareholders, shall be determined by the majority of votes, the Chairman presiding at such meeting having the casting vote in case of an equality of votes ; Provided that no clerk or other employé of the said Company, shall vote either in person or by proxy at the election of Directors.

Proviso.

Business of the Company.

9. The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations, and under such modifications, and restrictions, and upon such conditions as may be bargained or agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance, and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects; and all policies or contracts of insurance issued or entered into by the said Company, shall be under the seal of the said Company, and shall be signed by the President or Vice-President, and countersigned by the Managing Director or Secretary, or otherwise as may be directed by the By-Laws, Rules and Regulations of the Company, in case of the absence of any of the said parties ; and being so sealed, signed and countersigned, shall be deemed valid and binding upon them according to the tenor and meaning thereof : and the chief place of business of said Company shall be in Toronto ; and no insurance shall be effected by them in any Province other than the Province of Ontario, until the Company shall have established an office in such other Province, with a local agent, and in that case service of process in such other Province may be made at such local office, or upon such local agent personally.

Policies to be under seal ; and by whom signed.

Chief seat of business, &c.

Limitation of number of shares.

10. It shall and may be lawful for any person or persons, or body politic or corporate, to subscribe for such and so many shares as he, she or they may think fit, not, however, exceeding, during the first month after the subscription books are opened, one hundred shares : Provided, nevertheless that after the expiration of such first month

Proviso.

month there shall be no limitation to the subscription for or acquisition of any number of shares.

11. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares together with the amount previously paid thereon, in such manner as may be provided by the By-laws; and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses.

Forfeiture of shares for non-payment of calls.
Proviso.

12. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the Defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the Defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatsoever other than what is before mentioned: a copy of any By-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or a Vice-President, or the Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such By-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Calls may be paid after forfeiture.
Suits for recovery of calls and what only need be alleged and proved therein.

13. At all meetings of Directors five shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the President, Vice-President, or presiding Director, shall give the casting vote in addition to his vote as a Director.

Quorum of Directors.

14. At the annual meeting of the shareholders the election of Directors shall be held, and all business transacted, without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof,

Business to be transacted at annual meeting. Statement of affairs.

thereof, and all such further information as shall be required by the By-Laws, shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the By-Laws: and at all meetings of the shareholders the President, or, in his absence, the Vice-President, or in the absence of both of them, a Director chosen by the shareholders, shall preside, who in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

Special general meetings.

President &c., to preside at general meetings.

Powers of Directors: to make By-laws, appoint officers, &c.

15. The Directors shall have full power and authority to make, and from time to time to alter, such By-Laws, Rules, Regulations and Ordinances as shall appear to them proper and needful, touching the well ordering of the Company; the management and disposition of its stock, property, estate and effects; the calling of special general meetings; the regulation of the meetings of the Board of Directors; the appointment of a Managing Director, and of sub-boards to facilitate the details of business, and the definition of the duties and powers of such sub-boards; the making of calls upon the subscribed capital; the appointment and removal of officers and agents of the Company; the regulation of their powers and duties, and the salaries to be paid to them; the regulation of the transfer of stock, and the form thereof; the compensation of Directors; and the establishment and regulation of agencies; Provided always, that all such By-Laws, Rules, Regulations and Ordinances made by the Directors, as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting; and provided further, that such By-Laws do not contravene the provisions of this Act.

Proviso: By-laws to be submitted for approval of shareholders.

Power to hold real estate for its own accommodation, and for other purposes during a certain time.

16. The Company shall have power to acquire and hold real estate for the purposes of its business within the Dominion of Canada, of an annual value not exceeding twenty thousand dollars, and to sell or dispose of the same and acquire other property in its place as may be deemed expedient, and to take, hold, and acquire, all such lands and tenements, real or immoveable estate, as shall have been *bond fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owner thereof, and to retain the same for a period not exceeding ten years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or of any of the Provinces thereof, or in the stocks of any banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate.

Investment of funds.

Transfer of shares.

17. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such

such form as may from time to time be fixed by the By-Laws; and until the whole of the capital stock of the said Company is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made; Provided always, that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Proviso :
debts to Com-
pany to be
paid.

18. In the event of the property and assets of the said Company being insufficient to liquidate its debts, liabilities and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock: Provided always, that nothing in this section shall be construed to alter or diminish the additional liabilities of the Directors of the Company hereinbefore provided for.

Liability of
shareholders
limited.

Proviso as to
Directors.

19. The shareholders of the Company, at the annual meetings thereof, may declare such dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends, and also may, by resolution, order that the holders of policies or other instruments, shall be paid such portion of the actual realized profits, in such proportions, at such time, and in such manner as the said shareholders may direct; and may authorize the Directors to enter into obligations so to do either by endorsement on the policies or otherwise: Provided always that the holders of policies or other instruments so participating in the profits, shall not be in anywise answerable or responsible for the debts of the said Company.

Declaration of
dividends;
and on what
conditions to
be made.

Proviso.

20. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act, thirty-first Victoria, chapter forty-eight, intituled, "An Act respecting Insurance Companies," and to such other Legislation on the subject of Insurance, as may from time to time be passed.

This Act and
the Company
to be subject
to Insurance
Acts.

CAP. LVI.

An Act to incorporate the "Mutual Insurance Company of Canada."

[Assented to 14th April, 1871.]

WHEREAS William Workman, F. P. Pominville, Q. C., John Grant, M. P. Ryan, M. P., Angus C. Hooper, Alexander Empey, George Smith, William Darling, Frederick W. Henshaw, Alexander

Preamble.

Alexander Walker, the Honorable L. S. Huntington, Q. C., M. P., W. W. Ogilvie, of A. W. Ogilvie & Co., William Sache, John Cowan, John Ogilvy, and Edward Rawlings, all of the City of Montreal, in the Province of Quebec, have petitioned the Legislature of the Dominion of Canada, praying that a Company be incorporated under the name of "The Mutual Insurance Company of Canada," to enable the said petitioners and their associates to carry on the business of Insurance, in the several branches usually known as Life Insurance; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation and corporate name.

1. All such persons as now are or shall hereafter become members of the said Company, 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 Mutual Insurance Company of Canada," 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.

Business of the Company.

Guarantee Fund, and other conditions previous to the commencing of business by the Company.

2. Before issuing any policy there shall have been a Guarantee Fund subscribed of not less than one hundred thousand dollars, and twenty-five per cent. thereon paid up (which may be increased to five hundred thousand dollars), divided into shares of one hundred dollars each, and applications shall have been made and accepted for assurances of not less than two hundred thousand dollars, and so soon as such Guarantee Fund shall have been subscribed, and such applications for insurances received, and the requirements of the Act intituled "An Act respecting Insurance Companies," or any Act amending it, shall have been complied with, the Company may commence business; Provided that no increase of the Guarantee Fund shall be made without a resolution of the Board authorizing such increase, having been first submitted and confirmed by a majority of the guarantors present at a special meeting of the guarantors held for that purpose, and twenty-five per cent. of such increase shall be paid in when subscribed.

Proviso as to increase of Guarantee Fund.

Use of Guarantee Fund, and how it may be redeemable.

3. The Guarantee Fund thus subscribed may be used for the purposes of the Company in such manner and to such extent as the Directors may by by-law determine; such 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 meeting called for that purpose, and until such redemption or extinction of such Guarantee Fund, the Directors may pay to the subscribers thereto interest on the amount paid up not exceeding seven per cent. per annum, and allot to them such proportion of the profits—not exceeding one-tenth

Interest to subscribers.

tenth thereof—as may be provided by the by-laws, and subject to the provisions of the Act intituled “An Act respecting Insurance Companies,” and any Act amending it; and when and after such funds shall have been so redeemed, the whole of the profits of the Company shall belong exclusively to the policy holders on the mutual principle, and shall be thenceforward divided amongst them in such proportions and at such times—no interval being more than five years—as the Directors shall appoint, subject to the provisions of the last cited Acts; Provided that the redemption of the Guarantee Fund shall not be effected until the full deposit required by such Act shall have been made with the Receiver General.

Division of profits after redemption of Guarantee Fund.

Proviso as to deposit with Receiver General.

4. Any individual, corporation or legal or beneficial holder of a Policy of Insurance in the Company, or 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 charter and the by-laws of the Company.

Who shall be a member of the Company.

5. The Company shall 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 hereinbefore provided; and such by-laws shall, in the first instance, be submitted at a meeting of the members specially called for that purpose, after due notice as hereinafter provided, and may be adopted by a vote of a majority of the members present at such meeting, and may from time to time be altered and amended by the Directors, under the sanction of a majority of the members present at any meeting called for such purpose; 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.

Company to make By-laws, subject to approval, &c.

6. The first Board of Directors of the Company shall consist of not less than seven nor more than fifteen 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 petitioners 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 four 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 two years, 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 hereinbefore provided. The Board of Directors shall appoint a Managing Director and all other officers of the Company, and may appoint sub-boards

First Board of Directors, quorum, President, &c.

Qualification

Election of Directors.

Managing Director, sub-boards

sub-boards and agents, and may remove the same and appoint others in their place whenever a vacancy may arise.

Annual general meetings. 7. 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 Montreal: the first of which meetings shall be called by any one or more of the said incorporators, 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.

Special meetings.

Ballot at elections after first. 8. After the term of two years, for which the first Board of Directors are appointed, shall have expired, the Directors shall be elected annually by ballot.

Head office, and branches.

9. The head office of the Company shall be in the City of Montreal, in the Province of Quebec, or in such other city of the Dominion of Canada, as may be decided on hereafter by the Directors, but branch 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 of Quebec, until an office or domicile is opened in some place therein and a local agent or manager is there appointed, and service of summons or other process may be made at the office of any local agent, or upon such agent personally.

Proviso: Conditions previous to insurance out of Province of Quebec.

Scale of votes.

10. 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 for each one thousand dollars insurance held by him; no proxy can vote unless he is himself a member qualified to vote.

Proxies.

Calls for Guarantee Fund.

11. 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.

Forfeiture for non-payment.

12. The Directors 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 other person or persons.

Liability of subscribers, and of policy-holders, 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

liable for more than the premiums paid on his policy and the amount of profits which may have accrued or have been added thereon.

14. The Company shall have a corporate seal, and may sue or be sued in its corporate name. Corporate seal, &c.

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 of any incorporated Building Society or Bank, 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, and to take, receive and hold all or any of such securities in the corporate name of the Company, 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 securities 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; Provided always, that the investments on the security of real estate, or mortgage security thereon, or leasehold, shall not exceed twenty-five per cent. of the total investments of the Company. In what securities Company may invest its funds. Conditions of Loans. Proviso: Amount on mortgage limited.

16. The Company may hold such real estate as shall have been *bond fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered, and it shall be lawful for the Company to invest its funds in the securities of the Dominion of Canada, or of any of the Provinces comprising the Dominion, and in the bonds, debentures and stock of any municipality or incorporated Company transacting business in any of the Provinces of the Dominion, or on mortgage of real estate; 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. Power to hold real estate in certain cases. Proviso: for sale after a certain time.

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. Foreign branches.

18. The Company may hold real estate for its use and accommodation, and may sell or mortgage the same. Real estate for accommodation of Company.

19. Company.

Transfer of shares, &c.

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.

Certain sections of 32, 33 V., to apply.

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.

This Act and the Company to be subject to general insurance Acts.

21. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act Thirty-first Victoria, chapter forty-eight, intituled, "An Act respecting Insurance Companies," and to such other legislation on the subject of insurance as may from time to time be passed.

CAP. LVII.

An Act to incorporate the Mutual Life Association of Canada.

[Assented to 14th April, 1871.]

Preamble.

WHEREAS, Clarke Gamble, John Turner, the Hon. Wm. McDougall, A. T. McCord, William Thomson, Charles Robertson, James Michie, Angus Morrison, William H. Howland, Archibald Cameron, George Laidlaw, and George R. Kingsmill, have by their petition represented, that they and certain other persons have associated themselves together for the purpose of forming a society for the transaction of the business of Life Assurance in its various branches throughout the Dominion of Canada, for the mutual benefit of themselves, and all who become associated with them in that behalf, and have prayed to be incorporated for that purpose ; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Incorporation, corporate name, and general powers.

1. The several persons hereinbefore named, together with such other persons as now are or may hereafter become members of the Association are hereby created, constituted, and declared to be a corporation, body corporate and politic by the name of "The Mutual Life Association of Canada," and by that name shall have perpetual succession and a common seal, with power to alter and change the same at pleasure, and may sue and be sued in all courts of law as other corporations may, and shall have the power to hold and acquire real estate for the actual use and occupation of their business, not to exceed in the whole Dominion the annual value

Real estate.

value of \$25,000, and may sell, alienate, and exchange the same and acquire other instead, and may when duly authorized, as hereinafter provided, make, ordain, and establish such rules, regulations and by-laws as to them shall appear proper and necessary for the right administration of their affairs, such regulations and by-laws not being inconsistent with this Act or contrary to the laws of Canada.

By-laws.

2. Any Individual, Firm, or Corporation, being a legal or beneficial holder of a policy of insurance, or certificate of subscription to the Guarantee Fund, as hereinafter provided, shall be a member of the Association.

Who shall be members.

3. The business of the Association shall be restricted to Life Assurance in all its various branches, including the granting of endowments and reversionary annuities, and the purchase and sale of life annuities, and shall not extend to any other business of insurance or otherwise; but nothing herein contained shall be construed so as to prevent the Association from receiving moneys on deposit, provided that all such moneys so received be for the purpose of anticipating future premiums of Insurance.

Business of the Association.

Proviso.

4. No policy of assurance shall be issued by the said Association until after applications have been made and accepted by at least five hundred persons who intend to become members thereof and have applied for assurances amounting in the aggregate to not less than five hundred thousand dollars, or a guarantee fund as hereinafter provided be established.

Conditions previous to commencing business.

5. This Act shall be subject to any Act or Acts, passed or to be passed by the Parliament of Canada respecting Insurance Companies generally; and in case the amount of deposit required by any such Act shall at any time exceed the re-insurance value of the then existing business of the Association, the Directors may establish a guarantee Fund of such an amount as may be necessary to comply with such requirement, and pay the subscribers thereof not more than seven per cent interest per annum on the amount actually paid up, together with not more than ten per cent of the profits of the business; provided that so soon as the profits so paid over and above the interest shall amount in the aggregate to the full amount of the guarantee fund, the Association shall have the right to redeem such fund upon giving three months notice in the "Canada Gazette" and one of the local papers in the City of Toronto of their intention so to do, and mailing a copy of such notice to the last registered address of each of the subscribers to such fund.

This Act to be subject to General Insurance Acts.

Guarantee Fund in a certain case.

Proviso for redemption of such fund.

6. The Chief Office of the Association shall be in the City of Toronto, but it shall be lawful for the Directors, from time to time, to appoint, at any place or places in the Dominion or the United Kingdom, or in any foreign country, an agent or agents to act on behalf of the Association for the purpose of prosecuting and

Chief office of the Association.

Agents in other places.

and carrying out all or any of the objects or business of the Association at such places or elsewhere as to the Directors shall seem expedient, and to form rules and by-laws for the regulation of such local agents, and to pay them for their services such rates and in such manner as they shall deem proper, and to delegate to such agent or agents such powers as they shall deem advisable; Provided always, that in all suits and proceedings commenced in any part of the Dominion against the Association, it shall be sufficient to serve the process upon the local agent or agents, and the same shall be legal and binding on the Association to all intents and purposes as if it had been served on the Chief Officer at the Head Office in Toronto.

Proviso for
service of pro-
cess.

Annual gene-
ral meetings

7. Annual meetings of the members of the Association shall be held on the first Tuesday of the month of April in each year, at such place and hour in the city of Toronto as the Directors may appoint, for the purpose of electing a Board of Directors to manage the affairs of the Association for the then succeeding year, a notice of which meeting shall be published, at least four weeks previously, in two newspapers published in the City of Toronto and in the Official Gazette, the first of such meetings to be held on the first Tuesday of April, 1872; and until such first annual meeting the said Clarke Gamble, John Turner, Wm. McDougall, A. T. McCord, William Thomson, Charles Robertson, James Michie, Angus Morrison, William H. Howland, Archibald Cameron, George Laidlaw, and George R. Kingsmill, shall be the Directors thereof.

Provisional
Directors.

Special Gene-
ral meetings:
how to be
called and
notified.

8. If at any time it shall appear expedient to any number of the Board of Directors, or to any number of members of the Association holding, in the aggregate, policies on lives to the amount of \$50,000, or certificates of subscription to the Guarantee Fund to the amount of \$25,000, to call an extraordinary meeting of the members at large, it shall be lawful for them by writing under their hands at any time to require the Directors so to do, and such requisition shall fully express the object of the meeting so required to be called, and shall be left at the office of the Company, upon receipt whereof, it shall be the duty of the Directors forthwith to convene a meeting of the members; and if the Directors shall fail to call a meeting within fourteen days thereafter, it shall be lawful for the said number of Directors or the said members so qualified as aforesaid to call such meeting by giving public notice thereof, specifying the purpose for which the same is called; and every such notice shall specify the place, the day and the hour of such meeting, and shall be published in two newspapers in the City of Toronto, and in the Official Gazette for four weeks previous thereto.

Scale of votes.

9. At any meeting of the Association each member shall be entitled to one vote for every one thousand dollars of Insurance held by him, and one vote for each one hundred dollars of annuity secured by policy, and one vote for every five hundred dollars of subscription to the Guarantee Fund.

10. Any member insured to the amount of one thousand dollars or holding certificates of subscription to the Guarantee Fund to the amount of five hundred dollars shall be qualified as a Director, but no paid officer or agent of the Association shall be eligible for election as a Director.

Qualification
of Directors.

11. Each annual election of Directors shall be held by such of the members of the Association as shall be entitled to vote thereat as herein provided, and as shall attend for that purpose, either in their own persons or by proxy, such persons being or having been such members for at least one month previously, and all elections for Directors shall be by ballot, and the said proxies shall only be entitled to be held and voted on by members then present, and the nine persons who have the greatest number of votes at any election shall be Directors, except as is hereinafter directed; and if it should happen that two or more persons have an equal number of votes then the majority of the Directors having the greater number of votes shall determine which of such persons shall be Director or Directors so as to complete the whole number of nine; provided that retiring Directors shall be eligible for re-election.

Annual elec-
tions of Direc-
tors.

Proxies.

Ties.

Directors
re-eligible.

12. No member of the Association in arrear for any premium or interest for more than thirty days, shall be entitled to vote at any such election.

Members in
arrears.

13. No paid officer of the Association shall be entitled to vote at any meeting thereof.

Paid officers.

14. No member of the Association having borrowed upon his policy to an amount exceeding one-half the value of such policy, shall be entitled to vote at any meeting, by virtue of such policy upon the security of which such loan has been granted.

Members
having bor-
rowed on
their policies.

15. No officer of the Association connected with its general management shall be remunerated or paid by commission or percentage on the amount of business done.

Pay not by
percentage.

16. The paid officers of the Association may be members or otherwise.

Paid officers.

17. The directors appointed in the manner hereinbefore provided shall, from amongst their number, appoint a President and Vice-President, and they may also appoint an Actuary and Secretary and such other officers as may be necessary to carry on the business of the Association, and regulate the remuneration of such officers.

President and
other officers.

18. The quorum at meetings of directors shall be five, and in case of equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

Quorum of
Directors.

Filling Vacancies.

19. 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 society who shall remain in office only until the next annual meeting when he shall retire.

Security by officers.

20. All officers of the Association shall give to the Association security for the faithful discharge of their duties to the satisfaction of the Board.

Minutes of proceedings.

21. All by-laws, rules, and regulations and minutes of all meetings of the Association, or of the Board of Directors shall be entered from time to time in books to be kept by such officers or persons as the Directors shall appoint; and every such minute shall be signed by the chairman of such meeting, who failing, by any director who may have been present thereat.

Books of account.

22. The directors shall cause the books and accounts of the Association to be kept in such form as shall seem to them most suitable for preserving an accurate and distinct view of the affairs of the Association, and the books of the Association shall be balanced annually on the thirty-first day of December in each year and audited by an auditor or auditors to be appointed by the said Board.

Audit.

Yearly statement to each member of the Association, and to each branch of Parliament of Canada.

23. The Directors shall cause to be transmitted to each and every member, and to each branch of the Legislature of the Dominion of Canada, within one month after such audit, a full and correct statement of the accounts of the Association, the receipts and expenditure of the preceding year, classifying the various securities acquired by the Association, and stating the cost and rate of interest realized on each class of investments, the number of policies issued, the amount covered by policies in force, the amount and number of policies which have terminated during the year, either by lapse, death, surrender, or otherwise, and stating the tables of mortality and rate of interest upon which the premiums of the Association have been based, signed by the President or Vice-President and countersigned by the Actuary or Secretary; and every five years or oftener a general abstract of the estimated liabilities and assets of the Association shall be prepared, stating the tables of mortality and rate of interest upon which such valuations are based, and specifying in general terms the nature and extent of the various branches of the business of the Association, a copy of which statement under the hand of the President or Vice-President, and countersigned by the Actuary, and the Secretary shall be transmitted to every policy-holder, and to each branch of the Legislature of the Dominion.

General abstract once in five years or oftener.

How attested.

Division of net profits.

24. The net profits of the Association shall be divided amongst the policy holders every five years or oftener, upon such equitable adjustment thereof as the Directors may deem expedient, and the Directors shall have the power to determine the rates of premium for insurance, and the amount which may be insured on any one life

life, and may re-insure any life or lives in any other Life Insurance Company as they may see fit. But nothing herein contained shall be construed so as to prevent members at their option participating in deferred profits in lieu of such periodical participation. Proviso.

25. The Association shall have the power to acquire by purchase, lease, mortgage, or otherwise, and of holding absolutely or conditionally any lands, tenements, real or immoveable estate, and the same to sell, let, re-lease or otherwise dispose of as to them may seem expedient; provided always that nothing herein contained shall be deemed to empower the said Association to hold any real estate beyond what may be necessary for its own immediate accommodation in relation to the convenient transaction of its business to the amount hereinbefore stated, or such as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts; provided also, that the said Association shall be bound to sell or dispose of any real estate so purchased or conveyed to them (except such as they may require for the transaction of their business), within three years after acquiring the same; and provided also, that in case from the nature of the title to the said real estate, or necessary delay in any legal proceedings which may be taken for the purpose of selling such real estate, the Association are unable to do so, they are to be held bound to complete such sale or transfer within one year after they have acquired the power to complete such sale or transfer; but it shall be lawful, nevertheless, for the said Association to purchase and hold for the purpose of investing therein any part of their funds or money, any of the public securities of the Dominion or any Province thereof, or the debentures of any Municipal Corporation, and the same to sell and re-transfer, and also to make loans upon and purchase mortgages or other securities upon real estate, and the same to call in, sell and re-loan, as occasion may require; and also to make loans to members of the Association upon security of their policies, not exceeding the cash value thereof, provided that no Director of the Association shall become a borrower therefrom. Investment of funds of the Association.
Proviso as to real estate.
Proviso: For sale in three years.
Proviso, if the title do not permit such sale.
Investment in Government securities, &c.
Loans to members on policies.
Proviso.

26. If any person against whom the Association shall have any claim or demand, become bankrupt, or take the benefit of any Act for the relief of Insolvent Debtors, it shall be lawful for the Actuary or Secretary, or any other person specially authorized to that effect by minute of the Directors, to represent the Association in all proceedings against the estate of such Bankrupt or Insolvent, and to vote and otherwise act on behalf of the Association in all respects, as if such claim or demand had been the claim or demand of such Actuary or Secretary or other person authorized as aforesaid. If a debtor to the Association becomes bankrupt.

27. All acts done by any meeting of Directors or by any person acting as a Director shall notwithstanding it may afterwards be discovered that there was some defect or error in the appointment of Defects in appointment of Directors not to invalidate proceedings.

of any person attending such meeting as a Director or acting as aforesaid, or that such person was disqualified, be as valid as if any such person had been duly appointed and was qualified to be a Director.

How policies, &c., shall be executed. **28.** All policies, bonds, deeds, writings, and instruments, which require to be granted and executed by the Association, shall be subscribed by the President or Vice-President, or by two Directors, and by the Actuary or Secretary, or by any other person authorized by the Directors, and all bank drafts, cheques, bills, notes or other documents for the payment or receipt of money given or received by or in favour of the Association, shall be endorsed or signed by the President, Vice-President, or two Directors, and by the Actuary or Secretary.

Interpretation clause. **29.** In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say; words importing the plural number shall include the singular number; words importing the masculine gender shall include females; the words "lands" and "real estate" shall extend to messuages, lands, tenements, and hereditaments of any tenure; the expression "The Association," shall mean "The Mutual Life Association of Canada," in this Act mentioned and described; the expressions "The Directors," "The Actuary," and "The Secretary," shall mean the Directors, Actuary and Secretary, for the time being.

Public Act. **30.** This Act shall be deemed a Public Act.

CAP. LVIII.

An Act to extend to the Province of New Brunswick, the operation of the Act of the Legislature of the late Province of Canada, concerning the Synod of the Church of England, in Canada.

[Assented to 14th April, 1871.]

Preamble.

19, 20 V.,
c. 141.

WHÉREAS, an Act was passed by the Legislature of the late Province of Canada, in the Session thereof held in the nineteenth and twentieth years of Her Majesty's reign, chaptered 141, intituled, "*An Act to enable the Members of the United Church of England and Ireland, in Canada, to meet in Synod;*" And whereas, application has been made for an Act to empower the Provincial Synod of Canada to admit the Representatives of the Diocese of Fredericton, in the Province of New Brunswick, and it is expedient to comply with the same and to enable the Members of

of the Church of England, throughout the Province of New Brunswick, if they shall see fit, to assimilate their laws and practice to those, and to manage their affairs under a system uniform with that already in force and operation elsewhere in Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Synod of the Church of England, now constituted or which shall hereafter be constituted in conformity with the provisions of the said Act, in the Diocese of Fredericton and Province of New Brunswick, may adopt the said Act, and, with the consent of the Synod of the United Church of England and Ireland, in Canada, may unite with the Members of the said Church in other Provinces of the Dominion of Canada, in General Assembly, by their Representatives, as fully and in the same manner, to all intents and purposes, as if they had been included in the Province of Canada at the time of the passing of the aforesaid Act; Provided always, that nothing herein contained shall be held to authorize any interference with the right of presentation to Rectories secured to the Parishioners by Act of Assembly of the Province of New Brunswick, made and passed in the thirty-second year of the reign of Her present Majesty, intituled, "*An Act relating to presentations to Rectories of the Church of England in the Province of New Brunswick*" or any interference whatever with the property whether real or personal, which may now, or which may hereafter belong to the several and respective Parishes or Church Corporations in the said Diocese, or other rights secured to such Parishioners by the Revised Statutes of New Brunswick, Title XXVIII, chapter 107 "*Of the Church of England,*" or by any Acts of Assembly of the Province of New Brunswick regulating the sale and disposal of Church Glebe Lands of the Church of England in the said Province.

Synod of England in New Brunswick may adopt the said Act, &c.

Proviso :
Certain rights under Act of N. B., 32 V., c. 6, not to be interfered with, or the property of parish, &c.

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FOURTH SESSION, FIRST PARLIAMENT.

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