

No. 6.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting La Banque du Peuple.

First Reading, March 29, 1899.

(PRIVATE BILL.)

MR. PREFONTAINE.

OTTAWA

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An Act respecting La Banque du Peuple.

WHEREAS La Banque du Peuple has, by its petition, re- Preamble.
 presented that by chapter 75 of the statutes of 1897 a 1897, c. 75.
 further extension of two years, dating from the first day of
 May, one thousand eight hundred and ninety seven, was
 5 granted to the directors of the said bank by those concerned,
 to pay the instalments due them, namely, fifty per cent, being
 the balance of their claims, the said payments to be made by
 instalments of ten per cent, and according as the securities
 should be realized; and whereas certain directors of the said
 10 bank, namely James Grenier, Charles Lacaille, Toussaint
 Préfontaine, William Francis and George S. Brush have given
 security upon their personal property in order to make good
 any deficiency which may exist after the winding up of the
 affairs of the said bank; and whereas the said directors have
 15 offered to pay forty-five cents on the dollar upon the balance
 due at the time of the said offer; and whereas the said offer
 is in excess of what could be realized by a liquidation of the
 assets of the said bank, including therein the securities given
 by certain of the directors; and whereas, after considering the
 20 offer of the said directors at a meeting of the creditors and
 depositors of the said bank, held on the twenty-fifth day of
 January, one thousand eight hundred and ninety-nine, it was
 resolved to grant to the said directors a full discharge from
 their obligations to the said bank, its shareholders, creditors
 25 and depositors upon payment of the sum of forty-five cents on
 the dollar upon the balance then due, and to transfer to the
 said directors all the assets of the said bank of whatsoever
 nature, in order to allow them to pay the said amount, as ap-
 pears by the resolution in the schedule to this Act; and
 30 whereas the above named directors and the liquidators of the
 said bank have agreed to the said resolution, and since it
 passed have paid an instalment to the creditors and deposi-
 tors of the said bank on account of the said sum of forty-five
 cents on the dollar; and whereas the said bank has, by its
 petition, prayed that an Act be passed ratifying and confirming
 the said resolution, 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, declares and enacts as follows;—

35 1. The resolution contained in the schedule to this Act is Schedule
 hereby ratified and confirmed, and declared to be valid and confirmed.
 binding, notwithstanding anything to the contrary in the Act
 incorporating La Banque du Peuple, hereinafter called "the
 Bank," or in any Act amending the said Act, or in *The Bank*
 40 *Act* or *The Winding Up Act*.

Terms of
release of
directors.

2. In order to avail themselves of the provisions of this Act, the directors shall, within ninety days after the passing thereof, deliver to the persons representing the depositors and creditors, or their heirs, the sum of forty-five cents on the dollar upon the balance still due, less any sum paid since the passing of the resolution in the schedule to this Act, and the above named James Grenier, Charles Lacaille, Toussaint Préfontaine, William Francis, and George S. Brush or such other directors as make the above mentioned payments shall enter into immediate possession, in virtue of their ownership, of all the assets of the Bank of whatsoever nature. 5 10

Suspension
of right of
shareholders,
etc.

3. The rights of the shareholders, creditors and depositors of the Bank shall be suspended, not only as against the Bank, but also as against the directors personally during the whole period of the extension granted by this Act to the directors to make payment of the said amount of forty-five cents on the dollar due at the time of the passing of the resolution in the schedule hereto, and if the said directors comply with the said resolution, and with the provisions of this Act, during the extension of ninety days hereby granted, they shall be finally freed and discharged from every claim or action which the shareholders, depositors and other creditors of the Bank might have against them. 15 20

Application
of Act.

4. This Act shall apply to suits pending and judgments rendered. 25

SCHEDULE.

Extracts of the minutes of a meeting of the creditors and depositors of "La Banque du Peuple," held at Montreal on the twenty-fifth of January, eighteen hundred and ninety-nine.

It was proposed by Honorable Arthur Boyer and Reverend Messire F. L. Adam, seconded by A. P. Ritchot and J. B. Coallier, and carried unanimously :—

Whereas, at a meeting of the creditors and depositors of La Banque du Peuple, held on the 26th of November last, it was resolved unanimously to grant to the directors as liquidators of this Bank, under the law passed at the last session of the Parliament of Canada, a further delay of two years from the first of May next, on condition that they pay over cash and without delay the amount of guarantee given by them to the Bank :

Whereas although willing to pay and to satisfy in good faith all the obligations, some of the directors who have given such guarantee are unable to realize on the same without getting a full and complete discharge from their liabilities, according to law, towards the Bank and its creditors :

Whereas, after due consideration, the said directors have come to the conclusion to offer in settlement of all their liabilities towards the creditors and depositors of the Bank as soon as a bill passed by the Parliament of Canada will have ratified such arrangement a sum of 45 cents in the dollar in cash on the balance in capital due to said creditors to-day, any partial payments that may be made in the meantime by way of divi-

dends or otherwise to be considered as so much paid on account of said 45 cents in the dollar :

Whereas it is in the interest of the said creditors and depositors of said Bank that said offer should be accepted :

It is hereby resolved to grant to the directors of said Bank a full and complete discharge of their liabilities towards the Bank and themselves on payment of said sum of 45 cents in the dollar as above stated, on the balance yet due, and to transfer to said directors all the assets of said Bank of whatever nature they may be, in order to afford them the means of paying said amount.

There being no other affairs before the meeting, and no other propositions being offered it was closed.

J. GRENIER,
President.

'OVIDE DUFRESNE, Jr.,
Cashier.