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Canada. Laws, Statutes, etc.

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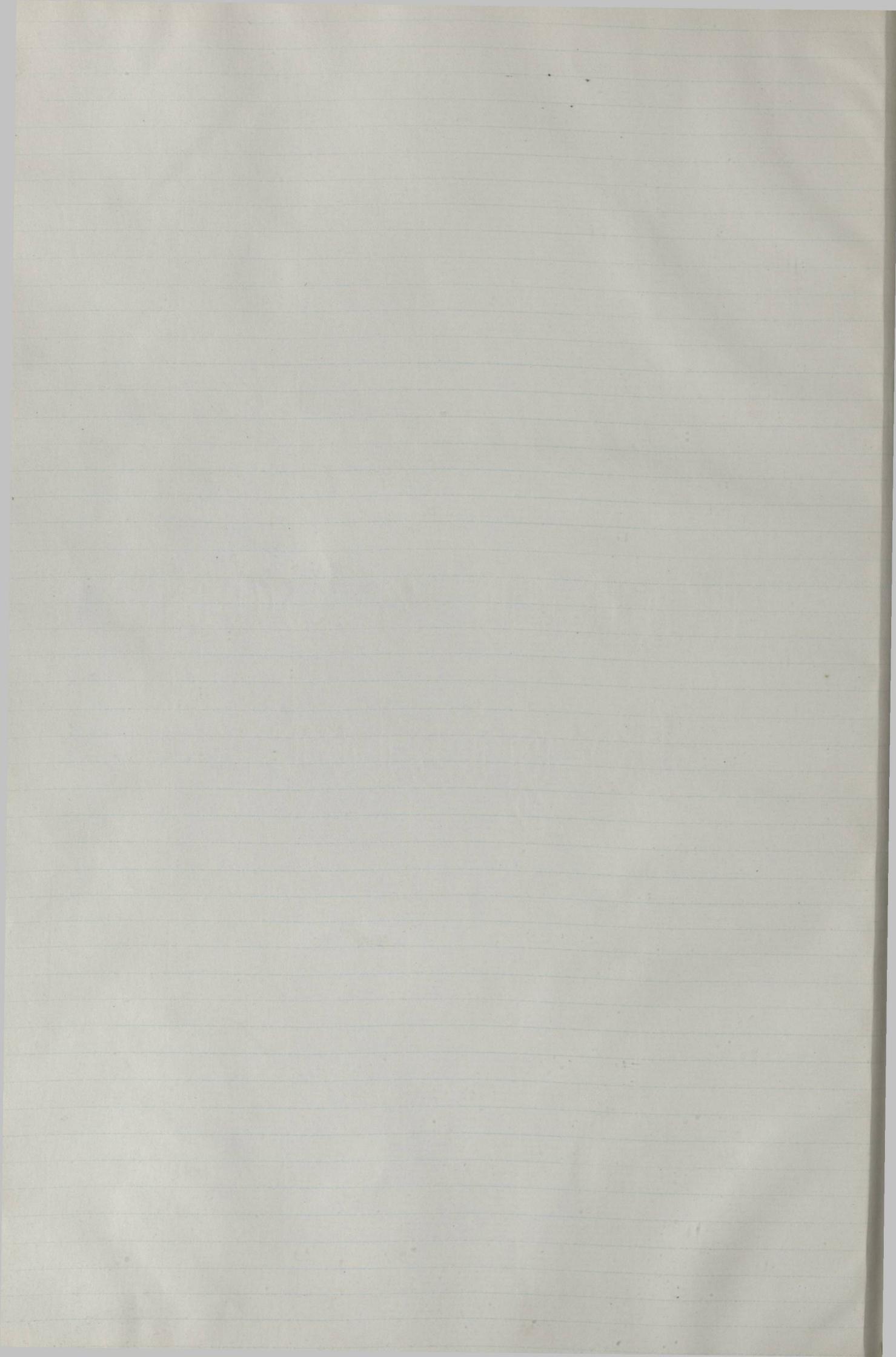
Bill A-



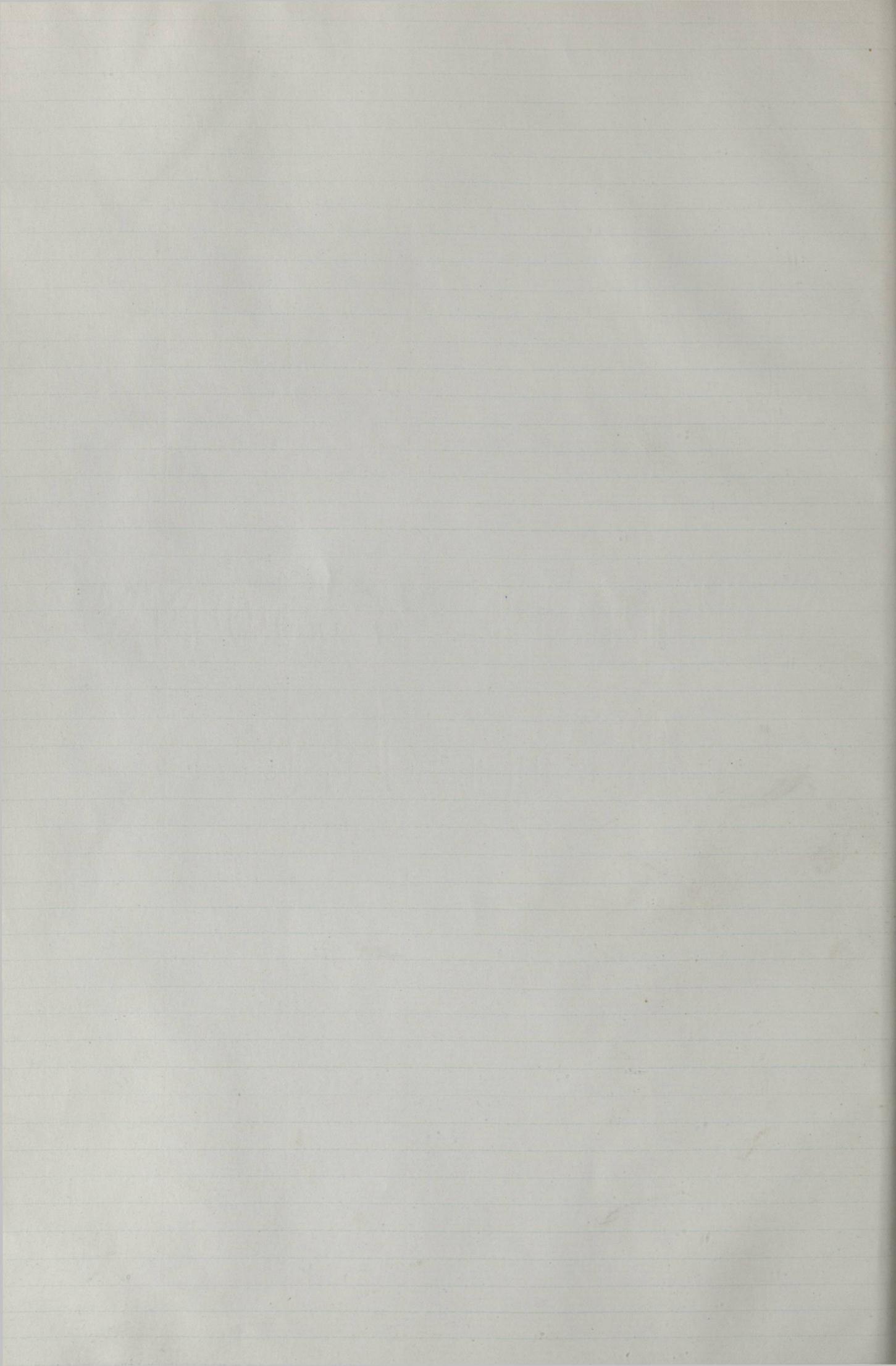


















## BILL.

An Act to remove doubts respecting the validity of certain Elections in the Province of Quebec.

WHEREAS doubts have arisen as to the true intent Preamble.  
and meaning of "*The Dominion Elections Act, 1874*,"  
and "*The Dominion Controverted Elections Act, 1874*," with  
respect to lists of voters used or to be used in the Province of  
5 Quebec at Elections of Members for the House of Commons  
of Canada, and it is expedient that such doubts should be  
removed; Therefore, Her Majesty, by and with the advice of  
the Senate and House of Commons of Canada, enacts as  
follows:—

- 10 1. No Election had or to be had in the Province of 37 Vic., c. 9,  
Quebec of any person to be a Member of the House of s. 28 & 29.  
Commons of Canada, shall be declared invalid by reason of  
any error or informality in the making, or copying, or certifying  
of any list of voters, or portion of a list of voters, used or  
15 to be used at such election, provided such list contains the  
names of all persons who, according to the valuation roll in  
force at the time it was made in the municipality or part of  
a municipality to which it relates, for local purposes, and as Quebec Act  
revised, if it has been revised, even for local purposes, 35 Vic., c. 7,  
20 appear to be Electors by reason of the real estate possessed s. 12.  
or occupied by them within the municipality,—or provided  
such portion of a list contains the names of all of such  
electors qualified to vote at the polling station to the Deputy  
Returning Officer for which it has been furnished.
- 25 2. In this Act the word "Municipality" means every Quebec Act  
municipality of a parish or part of a parish, of a township or 38 Vic., c. 7,  
part of a township, of united townships, of a village, of a s. 2, p. 1.  
town existing under the operation of the Municipal Code of  
the Province of Quebec, and every town or city municipality  
30 incorporated by Charter or special Act.

P2 2614

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3rd Session 3rd Parliament, 39 Vict. 1876.

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**A**

**BILL**

An Act to remove doubts respecting the validity of certain elections in the Province of Quebec.

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Received and read First time Wednesday,  
16th February, 1876.

Second reading Monday 21st February, 1876.

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HONORABLE M. BUREAU.

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OTTAWA:  
Printed by MacLean, Rogor & Co.,  
1876.

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## BILL.

### An Act for the relief of Robert Campbell.

**W**HEREAS Robert Campbell, of the town of Whitby, in the County of Ontario, in the Province of Ontario and Dominion of Canada, merchant, hath by his petition humbly set forth, that on the sixth day of April, in the year of Our Lord, one thousand eight hundred and sixty-three, he was lawfully married to Eliza Maria Byrne, at Whitby, in the county of Ontario, in accordance with the rites and ceremonies of the Congregational Church of Canada; that the said marriage was duly authorized by license duly issued; that the said Robert Campbell and Eliza Maria Byrne lived and cohabited together as husband and wife from the date of such marriage up to the twenty-fifth day of August, in the year of Our Lord, one thousand eight hundred and seventy-three; that the said Eliza Maria Byrne, although the lawful wife of the said Robert Campbell, did commit adultery with one George Gordon, at various times and in various places, and especially at the places and about the times hereinafter mentioned, that is to say: at the town of Whitby, in the said County of Ontario, in the said Province of Ontario, on various occasions previous to and during the month of August, in the year of Our Lord, one thousand eight hundred and seventy three, in particular on the twenty-sixth day of August, in the year of Our Lord, one thousand eight hundred and seventy-three, in the said town of Whitby; that the said Robert Campbell made discovery of the said adultery on or about the twenty-eighth day of August, in the year of Our Lord, one thousand eight hundred and seventy-three; that the said Robert Campbell has, since the discovery of the said adultery so committed as aforesaid, refused to cohabit, and has not since cohabited with his said wife, and has since lived apart from her; that the said Eliza Maria Byrne has, since the discovery of the said adultery, lived at the town of Whitby aforesaid separate and apart from the said Robert Campbell; that the said Robert Campbell hath, subsequently to the discovery of the said criminality, brought an action for criminal conversation in Her Majesty's Court of Queen's Bench for Ontario, against the said George Gordon, and recovered a verdict in the said action against the said George Gordon for one thousand five hundred dollars, and entered judgment thereon; and the said Robert Campbell has exhausted every lawful means for the recovery of the amount of the said judgment without effect; that the said Robert Campbell and the said Eliza Maria Byrne so living apart as aforesaid, the said Eliza Maria Byrne brought a suit against the said Robert Campbell in Her Majesty's Court of Chancery for Ontario, seeking to

Preamble.

recover and obtain an allowance for alimony from the said Robert Campbell, which said suit was defended by the said Robert Campbell on the ground of said adultery hereinbefore mentioned having been committed by the said Eliza Maria Byrne, and which said suit was, on the twenty-first day of April, in the year of Our Lord, one thousand eight hundred and seventy-four, tried at the said town of Whitby before the Honorable Vice Chancellor Blake, who directed that the said cause should stand for further argument, and the same having come on for argument before the said court, at Toronto, on the fourteenth day of May, in the year of Our Lord, one thousand eight hundred and seventy-five, the said court directed that the said cause should stand for judgment, and on the fifteenth day of September, in the year of Our Lord, one thousand eight hundred and seventy-five, the said court did order and decree that the said Bill of Complaint of the said Eliza Maria Byrne be, and the same was thereby, dismissed out of the said court; that the said Robert Campbell is desirous of having the said marriage dissolved, annulled, and put an end to, so that he may be free from the same, and can contract matrimony with any other person or persons with whom it would have been lawful for him to contract matrimony, if the said Robert Campbell and Eliza Maria Byrne had not intermarried; and that there are four children issue of the said marriage; and the said Robert Campbell prayed that the said marriage might be dissolved, annulled, and put an end to, and that the issue of his marriage with the said Eliza Maria Byrne, and also the issue of any such future marriage, might be declared legitimate; And whereas it is expedient that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Robert Campbell and Eliza Maria Byrne, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. 35

Issue declared legitimate.

2. The issue of the said marriage of the said Robert Campbell and Eliza Maria Byrne shall be, and the same are hereby declared to be, legitimate, to all intents and purposes. 40

Campbell may marry again.

3. It shall and may be lawful for the said Robert Campbell, at any time hereafter, to contract matrimony, and to marry with any other woman with whom he might lawfully marry, in case the said marriage had not been solemnized. 45

Issue of such marriage to be legitimate.

4. In the event of the said Robert Campbell again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony if they, the said Robert Campbell and Eliza Maria Byrne, had not intermarried, and having any issue born to him, the said issue so born shall be, and are hereby declared to be, to all intents and purposes, legitimate; and the rights of them, the said issue, and each of them, and of their respective 50

heirs as respects their and each of their capacity to inherit, have, hold, enjoy, and transmit, all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the  
5 same as they would have been to all intents and purposes whatsoever if the said marriage between the said Robert Campbell and Eliza Maria Byrne had not taken place.

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3rd Session, 3rd Parliament, 39 Victoria, 1876.

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B.

BILL.

An Act for the relief of Robert Campbell.

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Received and read the first time, Tuesday,  
22nd February, 1876.

Second reading Wednesday, 8th March, 1876.

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HONORABLE MR. PESSOR.

(PRIVATE BILL.)

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OTTAWA:

Printed by MacLearn, Roger & Co., Wellington Street,  
1876.

## BILL.

An Act to define and settle the duties, rights and liability of common Carriers in certain cases.

WHEREAS it is expedient that certain duties, rights and liabilities of carriers by land, and of carriers by water, with respect to which different usages now prevail in several Provinces of the Dominion, should be defined and settled by one law common to all Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. In the construction of this Act, the word "traffic" shall include all goods, wares, merchandize, money, valuable securities, animals, or other moveable property transported or offered for transportation, except personal baggage.

Preamble.  
Interprets  
"traffic"  
Imp. Stat. 17  
and 18 V. c.  
31., s. 1.

The words "common carrier by land" shall include all railway companies, companies or persons undertaking in the Dominion of Canada the carriage by land of traffic for hire for persons generally as a business; and the word "carriage" shall include every description of vehicle in which traffic is conveyed on land by road, railway or otherwise howsoever.

"common  
carrier by  
land."

The words "common carrier by water" shall include all ship, steamboat, canal boat, and barge owners and masters, and all masters and owners of vessels undertaking in the Dominion of Canada the carriage by water of traffic for hire, for persons generally as a business; and the word "ship" shall include vessels of all kinds; and the word "vessel" shall have the meaning assigned to it in the Customs Laws.

"common  
carrier by  
water."

The words "common carrier" shall include every common carrier by land and every common carrier by water, as herein before defined, and every carrier by land and water of traffic for hire for persons generally as a business.

"common  
carrier."

The expression "railway company" shall include any body corporate, or person being the owner or lessee of or any contractor working any railway.

"railway  
company."  
Imp. stat. 17  
and 18 V.  
c. 31, s. 1.

The word "railway" shall include every station, depot, store or shed of or belonging to such railway used for the purposes of receiving traffic.

"railway."  
Imp. stat. 17  
and 18 V.  
c. 31, s. 1.

The word "report" shall mean the report required by the Customs Laws to be made by the master of a ship arriving at any port.

"report." Imp.  
stat. 25 and  
26 V. c. 63,  
s. 66.

"entry." Imp. stat. 25 and 26 V. c. 63, s. 66.

The word "entry" shall mean the entry required by the Customs Laws to be made for the loading or discharge of goods from an importing ship.

"wharf." Imp. stat. 25 and 26 V. c. 63, s. 66.

The word "wharf" shall include all wharves, quays, docks, and premises in or upon which any goods when landed from ships may be lawfully placed. 5

"warehouse." Imp. stat. 25 and 26 V. c. 63, s. 66.

The word "warehouse" shall include all warehouses, buildings and premises in which goods when landed from ships may be lawfully placed.

"wharf owner" Imp. stat. 25 and 26 V. c. 63, s. 66.

The word "wharf owner" shall mean the occupier of any wharf as herein before defined. 10

"ship owner." Imp. stat. 25 and 26 V. c. 63, s. 66.

The word "ship owner" shall include the master of the ship and every other person authorized to act as agent for the owner or entitled to receive the freight, demurrage or other charges payable in respect of such ship. 15

"owner of traffic." Imp. stat. 17 and 18 V. c. 31, s. 1, and 25 and 26 V. c. 63, s. 66.

The expression "owner of traffic" shall include every person who is for the time being entitled, either as owner or agent for the owner, to the possession of traffic, subject in the case of a lien, if any, to such lien.

"valuable security." Act of Canada, 32 and 33 V. c. 21, s. 1.

The expression "valuable securities" shall have the meaning assigned to that expression in and by the "*Act respecting larceny and other similar offences*," and any Act amending the same. 20

Duties of common carriers with respect to the receiving, forwarding and delivering of traffic. Imp. stat. 17 and 18 V. c. 31, s. 2.

2. Every common carrier shall, according to his respective powers, afford all reasonable facilities for the receiving and forwarding and delivering of traffic offered to him for transportation, and shall forward and deliver the same in the order in which it is received by him; and the same charges shall be made and exacted by each common carrier at the same time and under the same circumstances upon all traffic and by all persons, as nearly as it may be possible to do so consistently with the terms of any special contract binding any common carrier at the time of the passing of this act, so long as the same shall continue to bind such common carrier; so that no undue advantage privilege or monopoly may be afforded to any persons or class of persons by any charge made by any common carrier; and no common carrier shall make or give any undue or unreasonable preference or advantage to or in favor of any particular person or company, or any particular description of traffic, in any respect whatsoever; nor shall any common carrier subject any particular person or company, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. Provided always that all traffic of a perishable nature, while it must be forwarded and delivered in the order in which different lots of it are received, shall always be forwarded and delivered with as little delay as possible, and in preference to and with precedence over traffic that is not of a perishable nature. 25 30 35 40 45

Proviso.

3. Every common carrier refusing to receive traffic offered for transportation, of the same species or kind as that which he is in the habit of transporting, without a reasonable and sufficient cause, shall be liable to a penalty of *one hundred dollars* for every such refusal, which said penalty and costs may be recovered by the owner of such traffic by action in any court having jurisdiction to the amount in civil suits at the place where the traffic was tendered for transportation, over and above any actual damages incurred by such refusal: Provided always that no common carrier shall be liable to the said penalty unless at the time of the offer of the said traffic a tender be made of the freight of the same to the place of its destination.
4. Common carriers shall, at the times and in the manner of which they have respectively given public notice, receive and convey according to such notice all persons applying for passage, and all traffic offered for transportation, unless in either case there is reasonable and sufficient cause for not doing so :
5. They shall be responsible not only for traffic received on board their vessels or carriages, but also for traffic delivered to them for conveyance by any such vessel or carriage, while in their possession and until delivery is made by them, and they shall be bound to use due care and diligence in the safe-keeping and punctual conveyance of such traffic.
6. Common carriers shall be liable for the loss of or damage to the personal baggage of passengers by their vessels or carriages, and the oath or affirmation of any such passenger shall be *prima facie* evidence of the loss of or damage to such articles, and of their value ; provided that such liability shall not extend to any greater amount than *two hundred dollars*, unless the true nature and value of such articles so lost or damaged have been declared and entered, and the articles delivered and paid for as provided by the *eighth* section. Nor shall the common carrier be liable for any such loss or damage occasioned by the fault or neglect of the passenger, or arising from the nature of any article forming part of such baggage.
7. Every stipulation or agreement in any bill of lading or contract by any common carrier for the carriage of any traffic or personal baggage by land or water or both, purporting or intended to exempt such common carrier from liability for or in respect of the negligence or default of himself, his agents or servants shall be invalid and of no effect.
8. Subject to the provisions herein after contained every common carrier shall be liable for the loss of, or for any injury done to any horse, cattle or other animal, or to any other traffic in the receiving, forwarding or delivering thereof, occasioned by the neglect or default of such common carrier or his agents or servants, notwithstanding any notice, condition or declaration, contract or agreement made and given by or with such common carrier contrary thereto, or in anywise purporting to limit such liability ; and

Penalty on common carriers for refusing traffic without cause.

Proviso.

Terms of public notices to be complied with.

Due care and diligence to be used.

As to loss or damage to personal baggage of passengers. Liability limited. Act of Canada, 37 Vic., c. 25, s. 2.

Stipulations of exemption from liability to be void.

Liability for loss, &c., caused by neglect, notwithstanding notice to the contrary, Imp. stat. 17 and 18 V. c. 31, s. 7.

every common carrier receiving traffic from another common carrier for the purpose of forwarding it to or towards its ultimate destination shall be deemed to become thereby an agent, within the meaning of this section, of the common carrier who first received such traffic for the purpose of forwarding it and causing it to be forwarded. 5

No liability for traffic of certain kinds above certain values, unless declared and extra charges accepted. Imp. stat. 11 G. IV. and 1 W. IV. c. 68, s. 1.

8. No common carrier shall be liable for the loss of or injury to money, bills, notes, or other valuable securities, domestic or foreign, gold, silver, precious stones, jewelry, watches, clocks, or time pieces of any description, trinkets, stamps, maps, 10 writings, title deeds, paintings, engravings, pictures, gold or silver plate, or plated articles, glass, china, silks, furs, or any of them, contained in any parcel or package which shall have been delivered either to be carried for hire, or to accompany the person of any passenger in any vessel, railway train 15 or other public conveyance, when the value of such article or articles or property aforesaid contained in such parcel or package exceeds the sum of *two hundred dollars*, nor for the loss of, or for any injury done to any horse, cattle or other animal which shall have been delivered to be carried for hire 20 in any vessel, railway train, or other public conveyance, when the value of such horse, cattle, or other animal exceeds the sum of *one hundred dollars*, unless at the time of or previous to the delivery thereof at the office, wharf, warehouse, receiving house, freight or passenger depôt or rail- 25 way station, or on board of any vessel, car or other carriage of such common carrier, or to his clerk, servant, employee or agent, for the purpose of being carried, or of accompanying the person as such passenger as aforesaid, the value and nature of such article or articles or property, 30 or the value of such horse, cattle or other animal shall have been declared and made known by the person or persons sending or delivering the same, and such increased charge as hereinafter mentioned or an engagement to pay the same, be accepted by the person receiving such parcel or 35 package, horse, cattle or other animal.

When any such traffic delivered an increased rate of charge may be demanded. Notice of same to be affixed in office, &c. Imp. stat., 11 G. IV. and 1 W. IV., c. 68, s. 2.

9. When any parcel or package containing any of the articles specified in the preceding section is so delivered, and its value and contents declared as aforesaid, and such value exceeds the sum of *two hundred dollars*, and when 40 any horse, cattle or other animal is so delivered, and its value declared as aforesaid, and such value exceeds the sum of *one hundred dollars*, it shall be lawful for such common carrier to demand and receive an increased rate of charge, to be notified by some notice in legible characters affixed in some public and 45 conspicuous part of the office, warehouse, depot or other receiving house where such parcels or packages, horses, cattle or other animals, are received by such common carrier for the purpose of conveyance, stating the increased rates of charges required to be paid over and above the ordinary rate of 50 freight or carriage, as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles, horses, cattle or other animals; and all persons sending or delivering parcels or packages containing such valuable articles, or sending or delivering horses, cattle or 60

other animals, as aforesaid, at such office or place as aforesaid where such notice is affixed, shall be bound by such notice without further proof of the same having come to their knowledge.

5 **10.** When the value has been so declared, and the increased rate of charge paid, or an engagement to pay the same has been accepted as herein above mentioned, the person receiving such rate of charge, or accepting such agreement, shall, if thereto required, sign a receipt for the 10 package or parcel, horse, cattle or other animal; and if such receipt is not given when required, or such notice as aforesaid has not been affixed, the common carrier as aforesaid shall not have or be entitled to any benefit or advantage under the *eighth* section of this Act, but shall be 15 liable and responsible as under the *seventh* section of this Act, and may be required to refund the increased rate of charge.

Carriers to give receipts for increased charges on pain of loss of benefit of sec. 8 of this Act. Imp. stat. 10 G. IV. and 1 W. IV., c. 68, s. 3.

11. Where any parcel or package, horse, cattle or other animal, has been delivered at any such office, warehouse, receiving house, freight or passenger depot or railway 20 station, or on board any vessel, car or other carriage and the value and contents of such parcel or package, or the value of such horse, cattle or other animal, has been declared as aforesaid, and the increased rate of charges has been paid, and the parcel or package, horse, cattle or other animal, 25 has been lost, injured or damaged, the party entitled to recover damages in respect of such loss, injury or damage shall also be entitled to recover back such increased charges so paid as aforesaid.

Parties entitled to damages for loss may also recover back extra charges. Imp. stat. 11 G. IV. and 1 W. IV., c. 68, s. 7.

12. A common carrier shall not be concluded as to the 30 value of any such parcel or package, horse, cattle or other animal by the value so declared as aforesaid, but he shall in all cases be entitled to require from the party suing in respect of any loss, damage or injury, proof of the actual value thereof by the ordinary legal evidence, and the carrier 35 shall be liable to such damages only as shall be so proved as aforesaid, not exceeding the declared value.

Carriers to be liable only to such damages as are proved. Imp. stat. 11 G. IV. and 1 W. IV., c. 68, s. 9.

13. Nothing in this Act shall be deemed to protect any common carrier from liability to answer for loss or injury to any traffic or articles whatsoever, arising from any felonious 40 act of any employee, clerk, or servant of such common carrier, or of any agent of such common carrier as defined in section seven of this Act, nor to protect any such employee, clerk or servant from liability for any loss or injury occasioned by his own personal neglect or misconduct.

Nothing herein to protect from felonious acts. Imp. stat. 11 G. IV. and 1 W. IV., c. 68, s. 8.

45 **14.** Every common carrier by land shall be liable for all loss or damage to traffic while in his possession, and until delivery is made by him, from whatever cause such loss or damage may have arisen, the Acts of God and of the Queen's enemies and fire only excepted; and every common carrier 50 by water shall be liable for all loss or damage to traffic while in his possession and until delivery is made by him, from whatever cause such loss or damage may have arisen, the

acts of God, the Queen's enemies, fire, and all and every other dangers and accidents of the seas, rivers and navigation, of whatever nature and kind soever only excepted; notwithstanding any notice, condition, declaration or special contract made, given or entered into by such common carrier, 5 to the contrary, or in anywise further limiting his liability; every such notice, condition, declaration or special contract being hereby declared to be null and void; and every common carrier delivering traffic to another common carrier to forward to or towards its ultimate destination shall be 10 deemed to have made delivery of the same within the meaning of this Act, unless he be the common carrier who first received such traffic for the purpose of forwarding it and causing it to be forwarded, in which case his liability shall continue, concurrently with that of his agent, or each of his 15 agents, as aforesaid, until the final delivery of the traffic at its place of destination.

Liability of  
common  
carrier by  
land and by  
water.

15. Every common carrier who undertakes in the Dominion of Canada the carriage of traffic partly by land and partly by water, shall, for all loss of or damage to the traffic, 20 by him received for transportation, be as a common carrier by land; Except only, that on proof that the loss of or damage to such traffic occurred whilst the same was being transported by water, such common carrier shall only be liable as a common carrier by water. 25

Power to  
shipowner to  
enter and  
land traffic in  
default of  
entry and  
landing by  
owner of  
traffic.  
Imp. stat. 25  
and 26 V.,  
c. 63, s. 67.

16. Where the owner of any traffic imported in any ship from foreign parts into the Dominion of Canada fails to make entry thereof or having made entry thereof to land the same or take delivery thereof, and to proceed therewith with all convenient speed, by the times severally herein after mentioned, the ship-owner may make entry of and land or unship the said traffic at the times, in the manner, and subject to the conditions following: (that is to say): 30

1. If a time for the delivery of the traffic is expressed in the charter-party, bill of lading, or agreement, then at any time, after the time so expressed; 35

2. If no time for the delivery of the traffic is expressed in the charter-party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of 40 sundays or holidays, after the report of the ship;

3. If any wharf or warehouse is named in the charter-party, bill of lading, or agreement as the wharf or warehouse where the traffic is to be placed, and if it can conveniently be there received, the shipowner in landing it by virtue of this enactment shall cause it to be placed on such wharf or in such warehouse; 45

4. In other cases the shipowner in landing traffic by virtue of this enactment shall place it on or in some wharf or warehouse, on or in which traffic of a like nature is usually 50 placed; such wharf or warehouse being, if the traffic is dutiable, a wharf or warehouse duly approved by the Customs authorities for the landing of dutiable traffic;

5. If at any time before the traffic is landed or unshipped, the owner of the traffic is ready and offers to land or take delivery of the same, he shall be allowed so to do, and his entry shall in such case be preferred to any entry which may have been made by the shipowner ;

6. If any traffic is, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the traffic at the time of such landing has made entry, and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, such traffic shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment, and the expense of and consequent on such landing and assortment shall be borne by the shipowner ;

7. If at any time before the traffic is landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery of the traffic, and the shipowner has failed to make such delivery, and has also failed at the time of such offer to give the owner of the traffic correct information of the time at which such traffic can be delivered, then the shipowner shall, before landing or unshipping such traffic, under the power hereby given him, give to the owner of the traffic, or of such wharf or warehouse as last aforesaid, twenty-four hours' notice in writing of his readiness to deliver the traffic, and shall, if he lands or unships the same without such notice, do so at his own risk and expense ;

17. If at the time when any traffic is landed from any ship and placed in the custody of any person as a wharf or warehouse owner, the shipowner gives to the wharf or warehouse owner notice in writing that the traffic is to remain subject to a lien for freight or other charges payable to the shipowner to an amount to be mentioned in such notice, the traffic so landed shall, in the hands of the wharf or warehouse owner, continue liable to the same lien, if any, for such charges as it was subject to before the landing thereof, and the wharf or warehouse owner receiving such traffic shall retain it until the lien is discharged as hereinafter mentioned, and shall, if he fails so to do, make good to the shipowner any loss thereby occasioned to him ;

If when traffic is landed, the shipowner gives notice for that purpose, the lien for freight is to continue. Imp. stat. 25 and 26 V. c. 63, s. 68.

18. Upon the production to the wharf or warehouse owner of a receipt for the amount claimed as due, and delivery to the wharf or warehouse owner of a copy thereof, or of a release of freight from the shipowner, the said lien shall be discharged ;

Lien to be discharged on proof of payment. Imp. stat. 25 and 26 V. c. 63, s. 69.

19. The owner of the traffic may deposit with the wharf or warehouse owner a sum of money equal in amount to the sum so claimed as aforesaid by the shipowner, and thereupon the lien shall be discharged ; but without prejudice to any other remedy which the shipowner may have for the recovery of the freight ;

Lien to be discharged on deposit with Warehouse owner. Imp. stat. 25 and 26 V. c. 63, s. 70.

Warehouse owner may at the end of fifteen days, if no notice is given, pay deposit to Shipowner. Imp. stat. 25 and 26 V. c. 63, s. 71.

20. If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does not within fifteen days after making it give to the wharf or warehouse owner notice in writing to retain it, stating in such notice the sum, if any, which he admits to be payable to the ship owner, or, as the case may be, that he does not admit any sum to be so payable, the wharf or warehouse owner may, at the expiration of such fifteen days, pay the sum so deposited over to the ship owner, and shall by such payment be discharged from all liability in respect thereof ;

Course to be taken if notice to retain is given. Imp. stat. 25 and 26 V. c. 63, s. 72.

21. If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does not within fifteen days after making it give to the wharf or warehouse owner such notice in writing as aforesaid, the wharf or warehouse owner shall immediately apprise the ship owner of such notice, and shall pay or tender to him out of the sum deposited, the sum, if any, admitted by such notice to be payable, and shall retain the remainder or balance, or if no sum is admitted to be payable, the whole of the sum deposited, for thirty days from the date of the said notice ; and at the expiration of such thirty days, unless legal proceedings have in the meantime been instituted by the ship owner against the owner of the traffic to recover the said balance or sum, or otherwise for the settlement of any disputes which may have arisen between them concerning such freight or other charges as aforesaid, and notice in writing of such proceedings has been served on him, the wharf or warehouse owner shall pay the said balance or sum over to the owner of the traffic, and shall by such payment be discharged from all liability in respect thereof ;

After ninety days Warehouse owner may sell traffic by public auction. Imp. stat. 25 and 26 V. c. 63, s. 73.

22. If the lien is not discharged, and no deposit is made as hereinbefore mentioned, the wharf or warehouse owner may, and if required by the ship owner, shall, at the expiration of ninety days from the time when the traffic was placed in his custody, or if the traffic is of a perishable nature, at such earlier period as he in his discretion thinks fit, sell by public auction, either for home use or exportation, the said traffic or so much thereof as may be necessary to satisfy the charges hereinafter mentioned ;

Notice of sale to be given. Imp. stat. 25 and 26 V. c. 63, s. 74.

23. Before making such sale the wharf or warehouse owner shall give notice thereof by advertisement in two newspapers, circulating in the neighbourhood, or in one daily newspaper published in the nearest city in which any daily newspaper is published, and in one local newspaper, and shall also, if the address of the owner of the traffic has been stated on the manifest of the cargo, or on any of the documents which have come into the possession of the wharf or warehouse owner, or is otherwise known to him, give notice of the sale to the owner of the traffic by letter sent by the post ; but the title of a *bonà fide* purchaser of such traffic shall not be invalidated by reason of the omission to send notice as herein before mentioned, nor shall any such purchaser be bound to inquire whether any such notice has been sent.

**24.** In every case of any such sale as aforesaid, the wharf or warehouse owner shall apply the moneys received from the sale as follows, and in the following order:—

Moneys arising from sale how to be applied.  
Imp. stat. 25 and 26 V. c. 63, s. 75.

1. If the traffic is sold for home use, in payment of any 5 customs or excise duties owing in respect thereof;

2. In payment of the expenses of the sale;

3. In the absence of any agreement between the wharf or warehouse owner and the ship owner concerning the priority of their respective charges, in payment of the rent, rates, and 10 other charges due to the wharf or warehouse owner in respect of the said traffic;

4. In payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said traffic;

15 5. But in case of any agreement between the wharf or warehouse owner and the ship owner concerning the priority of their respective charges, then such charges shall have priority according to the terms of such agreement; and the surplus, if any, shall be paid to the owner of the 20 traffic.

**25.** Whenever traffic is placed in the custody of a wharf or warehouse owner under the authority of this Act, the said wharf or warehouse owner shall be entitled to rent in respect of the same, and shall also have power from time to 25 time, at the expense of the owner of the traffic, to do all such reasonable acts as in the judgment of the said wharf or warehouse owner are necessary for the proper custody and preservation of the said traffic, and shall have a lien on the said traffic for the said rent and expenses.

Warehouse owner's rent and expenses. Imp. stat. 25 and 26 V., c. 63, s. 76.

30 **26.** Nothing in this Act contained shall compel any wharf or warehouse owner to take charge of any traffic which he would not be liable to take charge of if this Act had not been passed; nor shall he be bound to see 35 to the validity of any lien claimed by any shipowner under this Act.

Warehouse owner's protection. Imp. stat. 25 and 26 V., c. 63, s. 77.

**27.** Nothing in this Act contained shall take away or abridge any powers given by any Act to any harbour trust, body corporate, or persons, whereby they are enabled to expedite the discharge of ships or the landing or delivery 40 of traffic; nor shall anything in this Act contained take away or diminish any rights or remedies given to any ship owner or wharf or warehouse owner by any Act.

Saving of powers given by previous legislation. Imp. stat. 25 and 26 V., c. 63, s. 78.

**28.** The Court of Vice-Admiralty in any Province of the Dominion shall have jurisdiction over any claim by the 45 owner or consignee or assignee of any bill of lading of any traffic carried into any port in such Province in any ship or vessel for damage done to such traffic or any part thereof by the negligence or misconduct of or for any breach of duty

Jurisdiction conferred upon Courts of Vice-Admiralty.

or breach of contract on the part of the owner, master or crew of the vessel, unless it is shewn to the satisfaction of the Court that at the time of the institution of the cause any owner or part owner of the vessel was domiciled in the Dominion : Provided always, that if in any such cause the Plaintiff do not recover *one hundred dollars* he shall not be entitled to any costs, charges or expenses incurred by him therein, unless the judge certifies that the cause was a fit one to be tried in the Court. 5

## DANGEROUS GOODS.

**29.** In the following sections the word "ship" means only vessels used in navigation not propelled exclusively by oars, and registered in Canada. 10

The term "ships belonging to Her Majesty," includes ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada, and ships described as the property of Canada, by the one hundred and eighth section of "*The British North America Act, 1867*;" 15

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

The said sections, shall not apply to ships belonging to her Majesty. 20

**30.** If any person sends, or attempts to send by, or not being the master or owner of the ship or carriage, carries or attempts to carry in any ship or by any Railway or in any carriage of any common carrier, from any port or place in Canada, any dangerous traffic or goods, that is to say, aquafortis, oil of vitriol, gunpowder, nitro-glycerine, naphtha, benzine, lucifer-matches, or any other traffic or goods of a dangerous nature, without distinctly marking their description or nature on the outside of the package containing the same, and giving written notice of the description or nature of such traffic or goods and of the name and address of the sender thereof, to the master or owner of the ship or to such common carrier at or before the time of sending the same to be shipped or carried or taking the same on board the ship or carriage, he shall for every such offence incur a penalty not exceeding *five hundred dollars*; provided that if such person show that he was merely an agent in the shipment or sending of any such traffic or goods as aforesaid, and was not aware, and did not suspect, and had no reason to suspect that the same were of a dangerous nature, the penalty which he incurs shall not exceed *forty dollars*. 25 30 35 40

**31.** Any person who knowingly sends, or attempts to send by, or carries or attempts to carry in any ship or by any railway or in any such carriage as aforesaid from any port or place in Canada, any dangerous traffic or goods of a dangerous nature, under a false description, or falsely describes the sender or carrier thereof, shall incur a penalty not exceeding *two thousand dollars*. 45

**32.** The master or owner of any ship or any common carrier may refuse to take on board or receive for carriage any package or parcel which he suspects to contain traffic or goods of a dangerous nature, and may require it to be opened to ascertain the fact.

Master or owner or any common carrier may refuse to receive suspected package. 36 V., c. 8, s. 8.

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

Dangerous traffic or goods sent without notice may be thrown away. 36 V., c. 8, s. 9.

**34.** Where any dangerous traffic or goods have been sent or attempted to be sent, or carried, or attempted to be carried, on board any ship or to be placed in the carriage of any common carrier from any port or place in Canada, without being marked as aforesaid, or without such notice having been given as aforesaid, and where any such traffic or goods have been sent or attempted to be sent under a false description, or the sender or carrier thereof has been falsely described, it shall be lawful for any court of record or of superior jurisdiction, on application by or on behalf of the owner, charterer, or master of the ship or of the common carrier, to declare such goods to be, and they shall thereupon be forfeited, and when forfeited shall be disposed of as the Court directs.

Dangerous traffic or goods may be forfeited by order of Court. 36 V., c. 8, s. 10.

#### REPEAL OF FORMER ENACTMENTS.

**35.** Every Act or Law now in force in the Dominion of Canada, or in any Province thereof, which is inconsistent with this Act, or makes any provision in any matter provided for by this Act is hereby repealed, except only as respects rights accrued, contracts made, liabilities incurred, or things done before the passing of this Act, with respect to which they shall remain in force.

Inconsistent Acts, &c., repealed, except as respects rights accrued, &c.

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3rd Session, 3rd Parliament, 39 Victoria, 1876.

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C.

BILL.

An Act to define and settle the duties  
rights and liability of Common Car-  
riers in certain cases.

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Received and read first time, Thursday,  
2nd March, 1876.

Second reading Monday, 6th March, 1876.

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Hon Mr. SCOTT.

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OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,  
1876.

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## BILL.

An Act to remove doubts under the Acts therein mentioned respecting the Corporation of the Quebec Harbour Commissioners.

For the removal of doubts under the Act passed in the thirty-sixth year of Her Majesty's Reign intituled: "*An Act further to amend the acts to provide for the management and improvement of the Harbour of Quebec,*" hereinafter referred to as "*The Act of 1873*" and the Act passed in the thirty-eighth year of Her Majesty's Reign and intituled: "*An Act respecting the Trinity House and Harbour Commissioners of Quebec,*" hereinafter referred to as "*The Act of 1875*;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. It was and shall be held to have been the intent of the said Acts:

Preamble  
Intent of Acts  
36 V., c. 62  
and 38 V. c.  
55 explained.

(1.) That all the members of the Corporation of the Quebec Harbour Commissioners elected by the Council of the Board of Trade of the city of Quebec, and by the Council of the Board of Trade of the town of Levis, and by the Shipping Interest, except the member elected by the Shipping Interest in August last, under the Act of 1875, should go out of office on the first day of January, 1876;

(2.) That after the day last mentioned the Governor should have power to appoint one member of the said Corporation, in addition to the four whom he could appoint under the Act of 1873, and that the offices of all the other members of the Corporation, except the member elected by the Shipping Interest in August last, being then vacant, the Council of the Board of Trade of the city of Quebec, and the Council of the Board of Trade of the town of Levis, and the Shipping Interest, had each the power to elect one member of the said Corporation, the member elected by the Shipping Interest in August last remaining in office for two years from the time of his election.

(3.) That if any of the said bodies should fail to elect their member or members within fourteen days after the occurrence of vacancies on the first day of January, 1876, or if such election should not be forthwith certified to the Minister of Marine and Fisheries, as required by section seven of the said

Act of 1873, the Governor should have power to appoint the member or members to fill such vacancy or vacancies, under section eight of the said Act.

(4.) That up to the said first day of January, 1876, the elections and appointments of members of the said Corporation should be made as if the Act of 1875 had not been passed, except that one member should be elected by the Shipping Interest in August 1875 to remain in office two years that the other members representing the Shipping Interest, should go out of office at the time appointed for the said election; that the said Interest should be represented thereafter (but only until the 1st of January, 1876) by one member instead of three as theretofore, (the word "two" being inserted instead of "three" in the last line but one of section eight of the said Act by a clerical error) and that on and after the 1st of January, 1876, the said Shipping Interest should be represented by two members.

(5.) That vacancies in the corporation do not prevent or impair the effect of its action in any matter, provided there be a quorum of five members present at the meeting at which such action is taken, and that a majority of them are in favour of such act, as provided by section ten of the Act of 1873.

(6.) That the said corporation should consist of nine members exclusive of the chairman of the corporation of Pilots for and below the Harbour of Quebec, who is *ex officio* a member of the Corporation of the Quebec Harbour Commissioners, but as respects pilotage matters only.

Omissions in  
38 V., c. 55,  
supplied.

2. And for supplying provisions omitted in the said Act of 1875, it is enacted, that section six of the Act of 1873 be and the same is hereby repealed, and that the members of the said Corporation elected in January, 1876, and the member elected by the Shipping Interest in August, 1875, and any members appointed by the Governor in place of any who have not been elected or whose offices have become vacant, shall respectively hold office as follows, that is to say :

Duration of  
office of elect-  
ed members.

The member representing either of the said Boards of Trade until the first Monday in August in the year 187—and the members representing the Shipping Interest until the first Wednesday in the same month in the same year, or if either of the said days be a legal holiday then until the next following day not being such holiday, and others shall then be elected in their stead by the bodies they respectively represented, and shall hold office until the like day of the week and month, in the third year from that in which they are elected, when they shall retire and others shall be elected in their stead: and to such elections and to the filling of vacancies among elective members, the provisions of the said Act of 1873 in like matters, not inconsistent with this Act, shall apply; members of the said corporation appointed by

the Governor otherwise than for filling vacancies in default of election or certificate thereof, being appointed and holding office as provided by the said Act of 1873.

3. This Act shall be construed as forming one Act with One Act with those of 1873 and 1875, etc.  
5 the said Acts of 1873 and 1875, and any thing done or action taken by the Governor or Minister of Marine and Fisheries or by the said Corporation, or by either of the said Boards of Trade, or by the said Shipping Interest, in conformity to the intent of the said Acts as hereby declared, is hereby confirmed and shall be held to be and to have been lawful and valid.  
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3rd Session, 3rd Parliament, 39 Victoria, 1876.

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D.

BILL.

An Act to remove doubts under the Acts therein mentioned respecting the Corporation of the Quebec Harbour Commissioners.

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Received and read First time Thursday, 2nd March, 1876.

Second reading Monday, 6th March, 1876.

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HON. MR. LETELLIER DE ST. JUST.

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OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,  
1876.

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## BILL.

An Act to confirm the amalgamation of the City Bank and the Royal Canadian Bank, and to incorporate the Consolidated Bank of Canada.

**W**HEREAS on the eighteenth day of September, one thousand eight hundred and seventy-five, the City Bank and the Royal Canadian Bank entered into an agreement of amalgamation, thereby agreeing to form one corporation under the name of "The Consolidated Bank of Canada," which agreement was previously authorized by the shareholders of the said two Banks; And whereas an indenture setting forth the terms thereof was duly executed by the said Banks on the seventeenth and eighteenth days of September last, and a copy thereof has been duly deposited with the Minister of Finance; And whereas the said Banks have by their joint petition represented that it is for the interest of the shareholders and others interested in the said Banks and of the public, that the said agreement should be confirmed, and the amalgamation of the two Banks authorized upon the terms therein set forth, the said amalgamated Banks consolidated, and the provisions herein after contained, enacted, for the better conduct and management of the said Consolidated Bank of Canada, and have prayed that under the said circumstances, an Act of the Parliament of Canada should be passed to contain the provisions herein after mentioned; And whereas it is expedient that the prayer of the said petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said agreement is hereby confirmed, and the amalgamation of the said City Bank and of the Royal Canadian Bank is hereby authorized upon the terms and conditions in the said agreement of amalgamation set forth.

Agreement of amalgamation confirmed.

2. And upon, from and after the tenth day of May next the said amalgamated Banks, and the shareholders therein and their assigns, shall be a corporation, body corporate and politic by the name of "The Consolidated Bank of Canada," and shall continue to be such corporation, and shall have perpetual succession, and a corporate seal, with power to alter and change the same at pleasure, and may sue, and be sued, implead or be impleaded in all courts of law and equity.

One Bank from 10th May, 1876.

3. The terms and conditions set forth in the said recited Deed of Amalgamation shall constitute the basis of the

Terms and conditions recited in the

Deed to be the basis of union union of the two Banks, and it shall be the duty of the Board of Directors of the Corporation by this Act created to pass and maintain in force such by-laws as may from time to time be necessary to carry out and give effect to the said terms and conditions. 5

Head office in Montreal. 4. The head office and chief place of business of the said amalgamated Bank shall be in the City of Montreal.

Capital stock \$4,000,000. 5. The capital stock of the said Bank shall be four million dollars, divided into forty thousand shares of one hundred dollars each. 10

Shareholders of both banks to become shareholders of the Consolidated Bank in which all assets of the same shall vest. 6. On and from the said tenth day of May next, the present shareholders of the said Banks shall become and be shareholders in the said Consolidated Bank of Canada in the amounts, and according to the relative values of the stock of the said amalgamated Banks, as provided for and set forth in the said indenture of amalgamation, in lieu of and in proportion to the amount of their shares in the said amalgamated Banks, and all the estate and effects, real and personal, rights, property, credits, choses in action, claims and demands of whatsoever nature or quality, or wherever situate of the said Banks, shall then become and be vested in the said Consolidated Bank of Canada, its successors or assigns, as and for its own use absolutely, and it may in its own name sue for, collect, and get in all and every part of the said estate, rights and effects, and the said Consolidated Bank shall be bound to redeem and pay all the outstanding bills of both of the said Banks in circulation at the time of such amalgamation, and, so long as it is convenient or expedient so to do, may re-issue such bills from time to time, or any part thereof, in the same manner and subject to the same conditions and limitations, and with the same privileges and remedies against the said Consolidated Bank of Canada as would exist in respect of bills issued by itself in its own name. And the said Consolidated Bank of Canada shall thereby become and be subject and liable to pay and discharge all the debts, obligations, bills and promissory notes and other liabilities of each of the said amalgamated Banks, and may be directly sued and proceeded against in respect thereof, as freely and effectually as if the same were originally the debts, obligations, promissory notes or liabilities of the said Consolidated Bank of Canada, and the same shall be taken and construed so to be; and all suits, actions and proceedings pending on the said tenth day of May next in any Court of Law or Equity, or in any Court possessing civil jurisdiction in which suits, actions or proceedings the City Bank or the Royal Canadian Bank were plaintiffs or defendants, may be continued to judgment or execution in the name of the Consolidated Bank of Canada, upon a suggestion being entered upon the Record by virtue of this Act, at any time before judgment, that the City Bank or the Royal Canadian Bank, as the case may be, became on the tenth day of May, eighteen hundred and seventy-six, the Consolidated Bank of Canada, by virtue of the said Agreement of Amalgamation and of this Act, or upon a petition

Their notes, &c., to be redeemed by it, and may be re-issued as if its own. 25

Consolidated Bank to pay debts, &c., of amalgamated banks. 35

Pending suits by or against either of them may be continued in its own name, or against it, upon a suggestion or reprise d'instance.. 45

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*en reprise d'instance* being presented by the Consolidated Bank of Canada, in accordance with the ordinary practice of the Courts in the various Provinces of the Dominion respectively.

- 5 7. For the management of the affairs of the said Corporation there shall be ten Directors, who shall be annually elected by the shareholders of the capital stock of the Corporation at a general meeting of them, to be held annually on the first Wednesday in June in each year, the first whereof shall be held on the first Wednesday in June next; and the Directors elected by a majority of votes shall be capable of serving as Directors for the ensuing twelve months; and until such election shall be held the said Consolidated Bank of Canada shall be managed and conducted by the whole of the Directors of the said two Banks as constituting a Board of Provisional Directors of the said Bank, of whom five shall be a quorum.

Board of Provisional Directors and annual election of Board of Directors, on first Wednesday in June.

8. And notwithstanding anything contained in any statute of the Parliament of Canada, or in the by-laws of either of the said Banks, every shareholder in either of the said Banks, who shall on the said tenth day of May next be entitled to one or more shares in the said Consolidated Bank of Canada, shall have a vote for each of such shares, but no vote for any fraction of a share; And the first annual meeting of the said Consolidated Bank, to be so held on the first Wednesday in June next, may be validly called, and notice thereof may be validly given, by either of the said Banks.

One vote per share. First annual meeting may be called, and notice thereof given, by either bank.

9. The Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, chapter five, intitled, "An Act relating to Banks and Banking," and all the provisions thereof and the amendments thereof, shall apply to the Consolidated Bank of Canada in the same manner as if the same were expressly incorporated in this Act, except in so far as such provisions relate specially to banks in existence before the passing hereof, or to banks *en commandite*, or are inconsistent with this Act.

What provision of Act 34, v. c. 5, shall or shall not apply to this bank.

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

Duration of Act.

- 40 11. This Act shall be a Public Act.

Public Act.

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3rd Session, 3rd Parliament, 39 Victoria, 1876.

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**F**

**BILL**

An Act to confirm the Amalgamation of the City Bank and the Royal Canadian Bank; and to Incorporate the Consolidated Bank of Canada.

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Received and read first time, Monday, 6th March, 1876.

Second reading Thursday, 9th March, 1876.

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**HON. M. CAMPBELL.**

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OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,  
1876.

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## BILL.

An Act to amend the Act of incorporation of the  
"Banque Saint Jean-Baptiste."

WHEREAS the "*Banque Saint Jean Baptiste*" was duly  
incorporated by the Act of the Parliament of the  
Dominion of Canada, thirty-eighth Victoria, chapter fifty-  
nine; and whereas the Provisional Directors of the said  
5 Bank have by their petition prayed for a prolongation of the  
delay fixed by the seventh section of the said Act, for obtain-  
ing from the Treasury Board the certificate required by the  
seventh section of the "*Act relating to Banks and Banking*;"  
and whereas it is fit that the prayer of the said petition  
10 should be granted: Therefore Her Majesty, by and with the  
advice and consent of the Senate and House of Commons  
of Canada, enacts as follows:—

1. The delay of twelve months, fixed by section seven of  
the said Act, thirty-eighth Victoria, chapter fifty-nine,  
15 intituled "*An Act to incorporate the Banque Saint Jean-  
Baptiste*," is by this Act extended and prolonged to the  
first day of May, one thousand eight hundred and seventy-  
seven.

Preamble  
Act 38 V., c.  
59, cited.

Delay fixed  
by sec. 7 of  
38 V., c. 59,  
extended to  
May 1877.

PRINTED BY HARGREAVES, PEARCE & CO.  
1877

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3rd Session, 3rd Parliament, 39 Victoria, 1876.

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F.

BILL.

An Act to amend the Act of incorporation of the "*Banque Saint Jean-Baptiste*."

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Received and read First time, Wednesday,  
8th March, 1876.

Second reading, Friday, 10th March, 1876.

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Hon. Mr. TRUDEL.

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OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,  
1876.

## BILL.

### An Act to incorporate the Brothers of the Christian Schools in Canada.

WHEREAS the persons hereinafter named, and others associated with them, now constituting the Brothers of the Christian Schools in Canada, have for a long time been endeavouring to further the objects of the Society, as hereinafter set forth, under an unincorporated association, entitled, "The Brothers of the Christian Schools Society in Canada;" and whereas, the said parties find great inconvenience frequently to arise from the want of corporate powers; and whereas, the said parties by their Visitor and two members of his Council, have petitioned for an Act of Incorporation for the said Society, under the name and style of "The Brothers of the Christian Schools in Canada;" and whereas, it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Reverends Victor Nicholas Vigneulle, in Religion, Brother Armin-Victor, Jean François Narcisse Dubois, in Religion, Brother Aphraates, William Fruin, in Religion, Brother Arnold, George Carroll, in Religion, Brother Christian, Jean Routier, in Religion, Brother Flamian, Louis Baffaleuf, in Religion, Brother Gédéon, Louis Laberge, in Religion, Brother Andrew, together with such Brothers as are associated, or may become associated with them under the provisions of this Act, and who now are, or may hereafter be, under the provisions of the constitution of the Brothers of the Christian Schools Society in Canada, as now existing, members of the Brothers of the Christian Schools Society in Canada, are hereby constituted and declared to be a body corporate and politic, by the name of "Brothers of the Christian Schools in Canada," and by that name shall have perpetual succession and a common seal, with the power to break and alter such seal; and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

Certain persons incorporated.

2. The objects of the said Society are religious and charitable, designed to diffuse the blessings of Christianity and useful knowledge, to promote and support Christian schools throughout the Dominion of Canada and other countries.

Objects of the Society.

3. The said Society by the name aforesaid may receive a voluntary conveyance of, and may purchase, hold and convey such real estates as the purpose of the said Society shall require; and shall be capable of receiving, taking, holding

Corporate powers of the Society.

Annual value of its real estate not held for its own use limited. any real or personal estate by virtue of any devise contained in any last will or testament of any person whatsoever, under the proviso that such conveyance shall be subject to the laws relating to the conveyance of real estate to religious corporations which are in force at the time of such conveyance in the Province in which such real estate is situate; but the real estate of the aforesaid Corporation shall never exceed in annual value the sum of fifty thousand dollars over and above the value of the immovables occupied for the purposes of the said Corporation. 5 10

Its affairs and property to be managed by a general committee. 4. The management and disposition of the affairs and property of the said Society shall be vested in a general committee, composed of the Visitor and six other Brothers, to be appointed and elected according to the constitution of the said Brothers of the Christian Schools Society in Canada, now existing as aforesaid. 15

Who to be the first members thereof, and until when. 5. The persons named in the first section of this Act shall be the members of the first general committee of the said Society hereby incorporated, and shall hold office until others shall be appointed and elected in their places. 20

Corporation to be charged with debts, &c., of the Society. 6. No member of the said Corporation shall, under any circumstances whatever, exercise for himself rights of property in the property of the Corporation nor the possession thereof, such property being bestowed and attributed solely to the Council of Management, and the said Corporation, under the direction of the Council of Management, shall be charged with all the debts and obligations of the communities of the Brothers of the Christian Schools contracted in the name of the said Corporation solely in conformity with section four of the present Act; but the members of the said Corporation shall not be held personally liable for its obligations. 25 30

Members not to be liable for them.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

G

BILL

An Act to Incorporate the Brothers of the Christian Schools in Canada.

Received and read first time, Wednesday, 8th March, 1876.

Second reading, Friday, 10th March, 1876.

Hon. Mr FELLEROSE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1876.

## BILL.

An Act to incorporate the Brothers of the Christian Schools in Canada.

WHEREAS the persons hereinafter named, and others associated with them, now constituting the Brothers of the Christian Schools in Canada, have for a long time been endeavouring to further the objects of the Society, as hereinafter set forth, under an unincorporated association, entitled, "The Brothers of the Christian Schools Society in Canada;" and whereas, the said parties find great inconvenience frequently to arise from the want of corporate powers; and whereas, the said parties by their Visitor and two members of his Council, have petitioned for an Act of Incorporation for the said Society, under the name and style of "The Brothers of the Christian Schools in Canada;" and whereas, it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Reverends Victor Nicholas Vigneulle, in Religion, Brother Armin-Victor, Jean François Narcisse Dubois, in Religion, Brother Aphraates, William Fruin, in Religion, Brother Arnold, George Carroll, in Religion, Brother Christian, Jean Routier, in Religion, Brother Flamian, Louis Baffaleuf, in Religion, Brother Gédéon, Louis Laberge, in Religion, Brother Andrew, together with such Brothers as are associated, or may become associated with them under the provisions of this Act, and who now are, or may hereafter be, under the provisions of the constitution of the Brothers of the Christian Schools Society in Canada, as now existing, members of the Brothers of the Christian Schools Society in Canada, are hereby constituted and declared to be a body corporate and politic, by the name of "Brothers of the Christian Schools in Canada," and by that name shall have perpetual succession and a common seal, with the power to break and alter such seal; and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

Certain persons incorporated.

2. The objects of the said Society are religious and charitable, designed to diffuse the blessings of Christianity and useful knowledge, to promote and support schools in connection with the said Brothers of the Christian Schools throughout the Dominion of Canada.

Objects of the Society.

3. The said Society by the name aforesaid may receive a voluntary conveyance of, and may purchase, hold and own such real estates as the purpose of the said Society shall re-

Corporate powers of the Society.

Annual value of its real estate not held for its own use limited.

quire, not exceeding forty thousand dollars in annual value over and above the value of the immovables occupied for the purposes of the corporation, and the same may sell and convey, and shall be capable of receiving, taking, holding any real or personal estate, not exceeding ten thousand dollars in annual value, by virtue of any devise contained in any last will or testament of any person whatsoever, under the proviso that such conveyance shall be subject to the laws relating to the conveyance of real estate to religious corporations which are in force at the time of such conveyance in the Province in which such real estate is situate; but the real estate of the aforesaid Corporation shall never exceed in annual value the sum of fifty thousand dollars over and above the value of the immovables occupied for the purposes of the said Corporation.

Its affairs and property to be managed by a general committee.

4. The management and disposition of the affairs and property of the said Society shall be vested in a general committee, composed of the Visitor and six other Brothers, to be appointed and elected according to the constitution of the said Brothers of the Christian Schools Society in Canada, now existing as aforesaid.

Who to be the first members thereof, and until when.

5. The persons named in the first section of this Act shall be the members of the first general committee of the said Society hereby incorporated, and shall hold office until others shall be appointed and elected in their places.

Corporation to be charged with debts, &c., of the Society.

6. No member of the said Corporation shall, under any circumstances whatever, exercise for himself rights of property in the property of the Corporation nor the possession thereof, such property being bestowed and attributed solely to the Council of Management, and the said Corporation, under the direction of the Council of Management, shall be charged with all the debts and obligations of the communities of the Brothers of the Christian Schools contracted in the name of the said Corporation solely in conformity with section four of the present Act; but the members of the said Corporation shall not be held personally liable for its obligations.

Members not to be liable for them.

7. Whenever this Act shall have come into force, the said corporation shall be instantly seized of and entrusted with all the real and personal estate, actions, claims, demands and properties of every description heretofore belonging to the said society or corporations, and shall be instantly liable for all debts and contracts of the said society or corporations.

8. It shall be the duty of the said corporation at all times, when thereunto required, from time to time, by the Governor in Council, to furnish full and true statements of all the property, real and personal, and all interest thereon, held by the said corporation, and of its liabilities, receipts and expenditure, and such other details and matters as to the time of such holding, annual or other value, at any time or

times, time of acquisition, locality or otherwise, as the Governor in Council may require.

9. This Act shall have no effect in any of the Provinces where the said Brothers have already been incorporated by Provincial Acts, until such Provincial Acts shall have been repealed.

THE CHURCH OF ENGLAND IN CANADA  
 ACT TO INCORPORATE THE BROTHERS OF THE  
 CHURCH OF ENGLAND IN CANADA

1852

BY

HER MAJESTY'S GOVERNMENT OF CANADA

PRINTED BY

J. B. COOPER, ST. JOHN'S, N.S.

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3rd Session, 3rd Parliament, 39 Victoria, 1876.

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G

BILL

An Act to incorporate the Brothers of  
the Christian Schools in Canada.

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(Re-printed as amended by the Select Committee  
of the Senate on Standing Orders and Private  
Bills.)

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HON. MR. PEPPEROSE.

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OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street,  
1876.

## BILL.

### An Act to amend the Act respecting the Inland Revenue.

IN amendment of the Act passed in the thirty-first year of Her Majesty's reign, chapter eight, intituled "*An Act respecting the Inland Revenue*;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sub-section four of section sixty-six of the said Act is hereby repealed, and the following sub-section is enacted in its stead, to be read and to have effect, from and after the passing of this Act, as sub-section four of section sixty-six of the said Act, that is to say:

Sub-section 4 of s. 66 of 31 V. c. 8, repealed, and new sub-section substituted for it.

4. One hundred measures gauged in the cistern, after saturation is completed, or in the couch-frame, shall be held to be equal to eighty-seven and a quarter similar measures by guage of malt.

15 "And so in proportion for every greater or less quantity."

2. Sub-section six of section sixty-six of the said Act is hereby repealed, and the following sub-section is enacted in its stead, to be read and to have effect from and after the passing of this Act, as sub-section six of section sixty-six of the said Act, that is to say:—

Sub-section 6 of section 66 of 31 V., c. 8, repealed, and new sub-section enacted in its place.

6. Malt shall be weighed when removed from the kiln and placed in the warehouse; but whenever any quantity of dry malt stated in measures of capacity, as determined by guage by computation as provided in this Act or by actual measurement, is to be stated by an equivalent in pounds, the computation of the weight thereof shall be made by determining, by weighing, the weight of a measure of such malt, such measure being so taken as to be, as nearly as may be, a fair average thereof; and the weight of the measure so ascertained, multiplied by the number of such measures contained in the quantity of malt from which it was taken shall be held to be the true weight of that quantity."

3. This Act may be cited as "*The Inland Revenue Act Amendment Act, 1876*;" and shall be read and construed as one with the Act above cited and with sections seventeen, eighteen, nineteen and twenty of the Act passed in the thirty-third year of Her Majesty's reign, chapter nine, amending the said Act above cited.

Short title. 1  
One Act with 31 V., c. 8, and with sections 17, 18, 19 and 20 of 33 V., c. 9.

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3rd Session, 3rd Parliament, 39 Victoria, 1876.

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H

BILL.

An Act to amend the Act respecting the  
Inland Revenue.

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Received and read first time, Friday, 10th  
March, 1876.  
Second reading, Monday, 13th March, 1876.

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(*Correct Copy.*)

Hon. Mr. SCOTT.

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OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,  
1876.

## BILL.

### An Act to amend "The Insolvent Act of 1875."

**I**N amendment of the Act passed in the thirty-eighth year Preamble.  
of Her Majesty's reign, chapter sixteen, intituled: "An Act  
respecting Insolvency"; Her Majesty, by and with the  
advice and consent of the Senate and House of Commons of  
5 Canada, enacts as follows:—

**1.** All that part of the fourth section of the said Act which  
follows the word "them," in the last line but three thereof,  
is hereby repealed, and replaced by the words: "and the  
"said clerk or prothonotary shall keep the original affidavit,  
10 "and shall give a certified copy thereof to the creditor or  
"creditors; and such copy shall be annexed to the demand  
"served on the debtor."  
Sec. 4 of 38  
V., c. 16,  
amended.

**2.** Section fourteen of the said Act is hereby repealed, and  
the following section is substituted in its stead:—  
Sec. 14 of 38  
V., c. 16, re-  
pealed and  
replaced by a  
new section.  
Assignments,  
when and to  
whom may be  
made, &c.

**15** "14. A debtor on whom a demand is made by a creditor  
or creditors who has or have filed the affidavit required by  
this Act, may make an assignment of his estate to the Offi-  
cial Assignee appointed for the county or district wherein  
he has his domicile, or wherein he has his chief place of  
20 business, if he does not reside in any county or district  
wherein he carries on his business; and in case there is no  
Official Assignee for the county or district wherein he has his  
domicile, nor for the county or district wherein he has his  
chief place of business, then to the Official Assignee for any  
25 other county or district wherein he carries on his business;  
and in case there is no Official Assignee for any county or  
district in which he carries on his business, then to the Offi-  
cial Assignee for the nearest adjoining county or district to  
any of such counties or districts; but such assignment may  
30 be set aside or annulled by the Court or Judge for want of,  
or for a substantial insufficiency in, the affidavit required by  
section four, on summary petition of any creditor  
to the amount of not less than one hundred dollars  
beyond the amount of any security which he holds,—of  
35 which petition notice shall have been given to the debtor,  
and to the creditor who made the demand of assignment,  
within eight days from the publication thereof in the *Official  
Gazette.*"

**3.** Section thirty-six of the said Act is hereby amended by  
40 prefixing to it the words "subject to the first proviso in sec-  
"tion thirty-eight of this Act."  
Sec. 36 of 38  
V., c. 16,  
amended.

Sec. 44 of 38  
V., c. 16,  
amended.

4. Section forty-four of the said Act is hereby amended by inserting the words "if there are five, or more, or by all the creditors if there are less than five" after the word "creditors" in the third line thereof.

Sub-sec. 4, of  
sec. 147, of 38  
V., c. 16,  
amended.

5. Sub-section four of section one hundred and forty-seven of the said Act is hereby amended by inserting the words "in person or by proxy," after the word "present," in the sixth line of the said sub-section.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

# I

## BILL.

An Act to amend "The Insolvent Act of 1875."

Received and read the first time, Tuesday, 14th March, 1876.

Second Reading, Tuesday, 21st March, 1876.

Hon. MR. BUREAU.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,  
1876.

## BILL.

An act to amend “ *The Trade Mark and Design Act of 1868.* ”

(NOTE—*The words and clause between brackets will be proposed to be struck out at the third reading.*)

IN amendment of the Act passed in the thirty first year of Her Majesty's Reign, chapter fifty-five, intituled: “ *An Act respecting Trade Marks and Industrial Designs;* ” Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.  
Act 31 V., c.  
55, cited.

1. The Minister of Agriculture may at any time before the expiration of the term of five years for which the copyright of any industrial design registered under the said Act either before or after the passing of this Act is valid, on the application of the registered proprietor of such design, grant to such proprietor a renewal of the registration thereof, for such further term, not exceeding five years, as such Minister may in his discretion deem to be advisable.  
Registration of industrial designs may be renewed, and for how long.
2. In case the further term for which the renewal of the registration of any industrial design is so granted has been for less than five years, the Minister may at any time before the expiration of such further term, on the application of the then registered proprietor of the design, grant him a further renewal of the registration thereof; and so on, *toties quoties*; but so as that no such registration shall be renewed for more than five years in all beyond the term of the validity of the copyright acquired by the registration of the design.  
Renewals for short terms may be repeated.  
Limit of the aggregate of their periods.
3. Every renewal of a registration under this Act shall be effected as follows:—  
25 The Minister of Agriculture [on receipt of the fee hereinafter prescribed to be paid] shall cause a note to be made in the margin of the proper page of the proper register to the effect that the registration referred to in such note has been renewed for the term mentioned in such note; and such note shall be placed as near as may be to the entry of the registration to which it refers; and thereupon such registration shall be renewed for the term mentioned in such note.  
Mode of effecting renewals of registration of industrial designs.
4. Whenever the Minister of Agriculture has granted a renewal of the registration of any industrial design and the same has been renewed, as provided for by this Act, he or his deputy shall make and sign a certificate to that effect, and shall deliver the same, or cause the same to be delivered, to the registered proprietor of such design; and every such certificate shall contain the date of the registration of the design to which it refers, the number of such design, and  
Certificates of renewal to be given, and what they shall contain.

Certificates to  
be proof.

the number or letter employed to denote or correspond with the registration, and the day, month and year of the entry of each renewal thereof in the proper register, and the name and address of the registered proprietor thereof at the date of the certificate, and the period of each renewal; which said certificate, in the absence of proof to the contrary shall be sufficient proof of the design, of the name of the registered proprietor at the date of the certificate, of the registration and of its renewal or renewals, of the commencement and period of registry, of the commencement and period of each renewal, of the person named as proprietor being proprietor, of the originality of the design, and of compliance with the provisions of the said Act and of this Act; and generally every such certificate, so signed, shall be received in all Courts of Law or of Equity in Canada as evidence of the facts therein stated, without proof of the signature. 5 10 15

Fee on re-  
newal of re-  
gistration of  
industrial  
design.

[5. A fee of *five dollars* shall be payable to the Minister of Agriculture for every renewal of registration under the provisions of this Act; and all fees so received shall be paid over by him to the Receiver General, to form part of the Consolidated Revenue Fund of Canada.] 20

One Act with  
31 V., c. 55—  
and short title  
of both.

6. This Act shall be read and construed as one Act with the Act cited in its title and preamble and amended by it;— and the said Act and this Act may be cited collectively as “*The Trade Mark and Design Acts, 1868 to 1876.*” 25

3rd Session, 3rd Parliament, 39 Victoria, 1876.

J

BILL.

An Act to amend “*The Trade Mark and Design Act of 1868.*”

Received and read the first time, Monday,  
20th March, 1876.

Second Reading, Thursday, 23rd March, 1876.

Hon. Mr. LEMELIER DE ST. JUST

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1876.

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## B I L L.

An Act to provide for the examination of witnesses on oath by Committees of the Senate and House of Commons, in certain cases.

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

1. Whenever any witness or witnesses is or are to be Examination on oath or affirmation.  
5 examined by any Committee of the Senate or House of Commons, and the Senate or House of Commons shall have resolved that it is desirable that such witness or witnesses shall be examined upon oath, such witness or witnesses shall be examined upon oath, or affirmation where affirm-  
10 ation is allowed by law.

2. Such oath or affirmation shall be administered by the By whom administered.  
chairman or any member of any such Committee as afore-  
said.

3. Any witness giving false evidence upon any Perjury.  
15 such examination shall be subject and liable to all the pains and penalties of perjury, as fixed by the criminal law.

4. The oath or affirmation aforesaid shall be in the follow- Form of oath.  
ing form : "The evidence you shall give on this examination shall be the truth, the whole truth, and nothing but the  
20 truth. So help you God."

3rd Session, 3rd Parliament, 39 Victoria, 1876.

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K

BILL.

An Act to provide for the examination  
of witnesses on oath by Committees  
of the Senate and House of Commons,  
in certain cases.

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Received and read the first time, Friday,  
31st March, 1876.

Second Reading, Monday, 3rd April, 1876.

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Hon. Mr. WILMOT.

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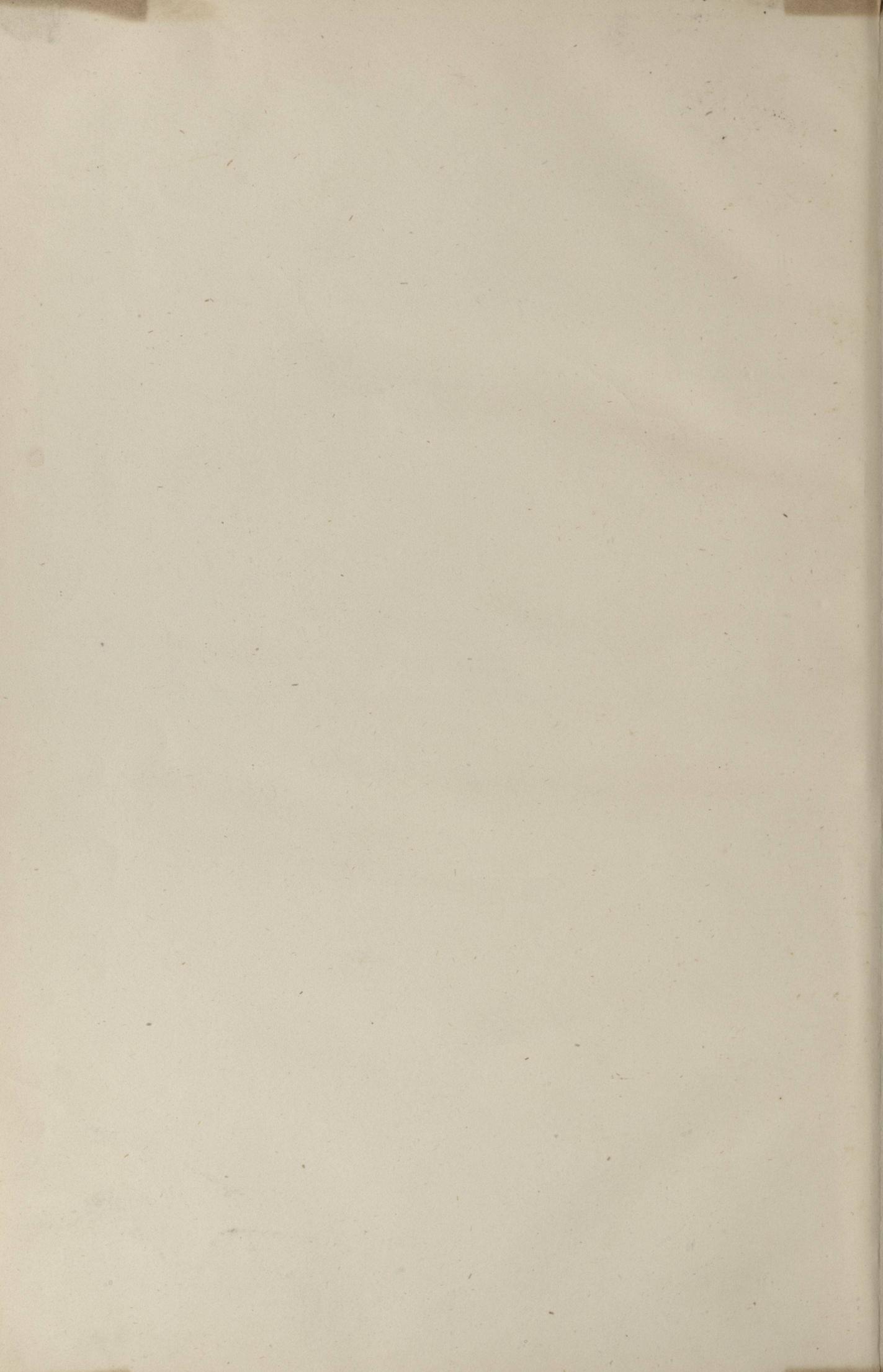
OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,  
1876.









From 26

