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[No. 2.] **BILL.** [1880.

An Act to repeal the Acts respecting Insolvency now in force in Canada.

WHEREAS it is expedient to repeal the Acts hereinafter mentioned subject to the provision hereinafter made : 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 Insolvent Act of* 1875," and the Acts amending it, passed in the thirty-ninth and fortieth years of Her Majesty's Reign, and intituled, respectively : "*An Act to amend the Insolvent Act of* 1875," and "*An Act to amend the Insolvent Act of* 1875, *and the Acts amending the same*," shall be and are hereby repealed, and no Act repealed by the said Acts, or either of them, shall be revived : Provided, that all proceedings under "*The Insolvent Act of* 1875," and the amending Acts, aforesaid, in any case where an assignee has been appointed before the passing of this Act, may be continued and completed, and shall be of the same effect as if this Act had not been passed. Acts repealed 38 V., c. 16. 39 V., c. 30. 40 V., c. 41. Proviso as to pending proceedings.

No. 2.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to repeal the Acts respecting Insolvency now in force in Canada.

Received and read first time, Monday, 16th February, 1880.

Second reading, Tuesday, 17th February, 1880.

Mr. Colby.

OTTAWA:

Printed by MacLean, Roger & Co.,

1880.

No. 3.] **BILL.** [1880.

An Act to repeal the Acts respecting Insolvency now in force in the Dominion.

WHEREAS it is expedient to repeal the Acts hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. "*The Insolvent Act of* 1875," and the Acts amending it passed in the thirty-ninth and fortieth years of Her Majesty's Reign, and intituled respectively "*An Act to amend the Insolvent Act of* 1875," and "*An Act to amend the Insolvent Act of* 1875, *and the Acts amending the same*," shall be and are hereby repealed; and no Act repealed by the said Acts, or either of them, shall be thereby revived: Provided that all proceedings under the "*Insolvent Act of* 1875" and the amending Acts aforesaid, in any case where an Assignee has been appointed before the passing of this Act, may be continued and completed, and shall be of the same effect as if this Act had not been passed. Acts repealed: 38 V., c. 16, 39 V., c. 30, 40 V., c. 41. Proviso as to pending proceedings.

No. 3.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to repeal the Acts respecting Insolvency now in force in the Dominion.

Received and read the first time, Monday, 16th February, 1880.

Second reading, Tuesday, 17th February, 1880.

Mr. BÉCHARD.

OTTAWA.

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 4.] **BILL.** [1880

An Act to amend the law regulating the Inspection of Petroleum and the products thereof.

WHEREAS it is expedient to amend an Act passed in the forty-second year of Her Majesty's reign, intituled "*An Act to provide for the inspection, safe-keeping and storage of Petroleum and the products thereof*": Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 42 V., c. 18.

1. The first and second paragraphs of section four of the said Act are hereby repealed; and the third paragraph of the said section is amended by inserting the following words after the word "Petroleum" in the second line of the said paragraph: "shall be one hundred and fifteen degrees of Farenheit's thermometer and"; and any provisions of the said Act inconsistent herewith are hereby repealed. Paragraphs 1 and 2 of s. 4 repealed, and paragraph 4 amended. Fire test.

No. 4.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Law regulating the Inspection of Petroleum and the products thereof.

Received and read, first time, Monday, 16th February, 1880.

Second reading, Tuesday, 17th February, 1880.

Mr. COLBY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 5.] **BILL.** [1880.

An Act to legalize Marriage with the Sister of a Deceased Wife.

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

Such marriage, or with widow of deceased brother, lawful. Proviso.

1. Marriage is permitted between a man and the sister of his deceased wife or the widow of his deceased brother, provided there be no impediment by reason of affinity between them according to the rules and customs of the church, congregation, priest, minister or officer celebrating such marriage.

Past marriages confirmed. Execption.

2. All such marriages thus contracted in the past are hereby declared valid, cases (if any) pending in courts of justice alone accepted.

No. 5.

2nd Session, 4th Parliament, 43 Victoria, 1880

BILL.

An Act to legalize Marriage with the Sister of a Deceased Wife.

Received and read first time Monday, 16th February, 1880.

Second reading, Tuesday, 17th February, 1880

Mr. GIROUARD,
(Jacques Cartier.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 6.] **BILL.** [1880.

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

IN amendment of the Act passed in the thirty-seventh year of Her Majesty's Reign, chaptered nine, and intituled "*An Act respecting the Elections of Members of the House of Commons*"; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 37 V., c 9.

1. The second and third paragraphs of the nineteenth section of the above cited Act are hereby repealed and the following substituted therefor:— Paragraph 2 and 3 of s. 19 repealed.

"Nor unless the sum of three hundred dollars be paid into the hands of the returning officer by each candidate, or on his behalf, on the delivery of the nomination paper to that officer; and the receipt of the returning officer shall in every case be sufficient evidence of the production of the nomination paper, the consent of candidate, and of the payment herein mentioned. New provisions substituted. Deposit to be $300.

"Such sum shall be returned to the candidate in the event of his being elected, or of his obtaining at least one-half the number of the votes polled in favor of the candidate elected; otherwise it shall accrue to Her Majesty for the purposes hereinafter mentioned. How deposit shall be dealt with.

"The different sums so paid and not withdrawn by the candidates shall be, by the returning officer, applied towards the payment of the election expenses; and the remainder (if any) shall be by him paid over to the Minister of Finance and Receiver General, to whom he shall also render an account of the application of such moneys. If forfeited.

No. 6.

2nd Session, 4th Parliament, 43 Victoria, 1880

BILL.

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

Received and read first time, Tuesday, 17th February, 1880.

Second reading, Wednesday, 18th February, 1880.

Mr. BOLDUC.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

BILL No. 7.

The following are the amendments to be moved by the Honorable Mr. Baby in Committee of the Whole on theBill : one of the purposes thereof being to incorporate with the Excise laws as much of the Act 37 Victoria, chapter 8, as relates to the "compounding" of spirits. The amendments which make any change in the duties or as to the sum to be paid for any license, will be moved in Committee of the Whole before the Bill is read a second time ; they are printed in Brackets in this copy.

SECTION 2, s.s. (b) for "spirit receiver" insert :—

Closed spirit receiver.

Strike out from the third line of s.s. (b) the words "worm" and insert :—

first worm in which it is condensed.

Add at the end of section 2 the following sub-section :—

(*g.*) "*Chemical Still*" means any distilling apparatus which has a capacity of less than *five* gallons and which is kept and used by a chemist or druggist for the sole purpose of distilling water, or reclaiming spirits or alcohol previously used in the preparation or manufacture of chemicals or pharmaceutical preparations, or which is used for scientific purposes, (of which the Department of Inland Revenue shall be the sole judge), and which is not used for the manufacture or distillation of spirits for sale.

(*h*) "*Compounded Spirits*" means and includes all articles containing Canadian or other spirits, which are enumerated in the first schedule to this Act, the duty thereon having been paid, or which may be added to such schedule by any order of the Governor in Council.

(*i.*) "*Compounder*" means and includes every person who by himself or his agent compounds or mixes for sale by wholesale any of the articles enumerated in the first schedule to this Act, the duty thereon having been paid, or which may be added to such schedule by order of the Governor in Council. 37 Vic., cap. 8, s. 1.

SECTION 5. Add the following sub-section after s.s. (a) :—

(*b*) "*Manufactured Tobacco*" means and includes every article made from raw tobacco by any process whatever.

Add the following after s.s. (b).

(*c*) *Standard Tobacco* of all kinds shall be that which consists of ten per cent. of water and ninety per cent of solid matter, and the weight of all Tobacco shall be computed and charged in all accounts and returns, with reference to such standard.

SECTION 8. After the word "distiller" in the third line add the words :—

"rectifier, compounder."

After the word "Tobacco" in the fourth line add the words:—

"or cultivator of Tobacco for sale."

After the word "rectification" in the last line add the words:—

"or compounding"

Amend s.s. 4 by striking out the words "for his own private use" from the second and third line, and inserting in lieu thereof the words:—

Solely for the use of himself and such members of his family as are resident with him on the farm or premises on which the Tobacco is grown.

Add to sub-section 4:

Provided always that the quantity so grown and manufactured in any one year shall not exceed thirty pounds for each adult male member of the family resident on the farm as aforesaid.

SECTION 13. Insert in the first line after the word "distilling" the word:

"compounding"

After Section 13 insert the following, as s.s. 3.

3. An application for a license to have in possession and use a Chemical Still, shall contain a full and exact description of such still, of the purposes to which it is to be applied, and of the place wherein it is to be used.

SECTION 15. Add at the end of the first paragraph:—

And shall further state whether any foreign or imported raw or leaf tobacco is to be used in or brought into the factory for which the license is required.

And insert as s.s. 2, the following:—

2. Every application for a license to carry on the business of a cultivator of tobacco for sale, shall describe the locality of the farm on which the tobacco is to be grown, and shall also state the maximum number of plants, and the maximum area of land which the applicant purposes to cultivate during the year for which the license is required.

SECTION 16. Insert the following as s.s. after the word "place" in the ninth line:—

2. Nor shall any license be granted for carrying on any such business in a building or premises which, after careful survey, may appear to the Department to be so situated with reference to surrounding buildings or places of business, or to be so constructed or arranged as to embarass or endanger the full collection of the revenue.

The remainder of the section will then form s.s. 3 commencing:—

3. And no license, &c.

SECTION 18. Add the following as sub-section 3.

3. A license to carry on the business of and to act as a compounder and to sell by wholesale the articles compounded under such license, may be granted to any party who has complied with the provisions of this Act, provided the granting of the license has been approved by the District Inspector, and that the party has, jointly and severally with two good and sufficient sureties, entered into a bond to Her Majesty, her heirs and successors, in the sum of one thousand dollars; and such bond shall be taken before the Collector of Inland Revenue, who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond, and shall be conditioned for the rendering of all accounts and the payment of all

duties and penalties which the party to whom the license is granted will become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts and penalties, as to all other matters and things whatsoever. 37 Vic., cap. 8. s. 3.

SECTION 19. Strike out the word "two" from the sixth line and insert in lieu thereof the words :—

not less than two nor more than six.

Add to SECTION 19 the following as s.s. 2 :—

2. A license to cultivate tobacco for sale to such extent as is stated in the application for a license may be granted without fee, upon the person in whose favor it is granted entering into bonds himself in the sum of two hundred dollars and two sureties each in the sum of one hundred ; and such bond shall be taken before the Collector of Inland Revenue, who shall cause the sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond, and shall be conditioned for making true returns of the quantity of tobacco cultivated by him for sale, and of the names and residences of the licensed dealers in tobacco or other parties to whom such tobacco is sold or how it is otherwise disposed of.

SECTION 22. Strike out the word "four" in the thirteenth line and insert the word,—

Ten

Add to section 22 as s.s. 2 and 3 :—

2. Every application to manufacture in bond shall contain a description of all the articles to be used in the manufactory and of the articles to be produced therein, stating the quantity of each of the said articles respectively to be used in the production of a stated quantity of the manufactured article to be produced therefrom ; and whenever the proportions stated as herein required are such as to make an evasion of duty or loss of revenue on any of the said articles possible (of which the Department of Inland Revenue shall judge), the license asked for shall be refused.

3. When wood naptha, wood alcohol, or any similar or equivalent article is to be used in a bonded manufactory it shall be supplied to the manufacturer by the Department of Inland Revenue, or by such agency and on such conditions as may be determined by Departmental regulations in that behalf.

After SECTION 25 insert the following sections :—

Whenever the required amount of security, as computed under any provision of this Act, exceeds ten thousand dollars, the amount may be determined by the Governor in Council at such sum not less than ten thousand dollars as to him may appear sufficient for the safety of the Revenue.

After SECTION 26 insert the following section :

Upon application being made, in a form to be prescrib-

ed by the Department of Inland Revenue, by the holder of any license under this Act, the license so held may be transferred from any premises to any other premises of similar capacity, situated within the same Inland Revenue division, without payment of additional licence fee,—Provided that all the requirements of this Act have been complied with by the holder of such license in reference to the premises to which it is proposed to transfer it, and that all obligations imposed by the license have been fulfilled, but whenever any such transfer is made, new bonds shall be taken as is required upon the issue of a new license.

After SECTION 29 insert the following as s.s. 2 and 3, and make s.s. 2 s.s. 4 :

2. The party in whose name a license is granted to act as a compounder, shall upon receiving such license pay to the Collector of Inland Revenue the sum of fifty dollars. 37 Vic., cap. 8, s. 4.

*The following amendments as far as the mark * will be moved in Committee of the Whole before the second reading of the Bill.*

[3. The party in whose favor a license is granted to have and use a chemical still, shall upon receiving said license pay to the Collector of Inland Revenue the sum of *ten dollars*.]

[SECTION 32. Strike out the words "fifty dollars" and insert dollars.]

SECTION 33. Insert after the word "bond," in the second line, the words: for consumption in Canada only.

[After SECTION 33 insert the following as s.s. 2 and 3 :

2. The party in whose favor a license is granted to manufacture in bond for exportation shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of *three hundred* dollars.]

[3. The party in whose favor a license to have an excise bonding warehouse is granted shall pay for one such warehouse the sum of *forty* dollars, and for each additional warehouse the sum of *twenty* dollars.]

[SECTION 35. Strike out the second sub-section and insert the following in lieu thereof:—

2. On spirits :

(*a.*) When the material used in the manufacture thereof consists of not less than ninety per cent. by weight of raw or unmalted grain, on every gallon of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength than the strength of proof and for every less quantity than a gallon, *one dollar*.

(*b.*) When manufactured exclusively from malted barley, taken to the distillery in bond and on which no duty of customs or excise has been paid, on every gallon of the

strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, *one dollar and two cents.*

(*c.*) When manufactured exclusively from molasses or sugar taken to the distillery in bond, and on which no duty of Customs has been paid, on every gallon of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, *one dollar and three cents.*

At the end of the third sub-section add the following:

Except that malt made in a malt-house where malt is not made for any other purpose than for use in a distillery wherein no other material than malt is used for the production of spirits, may be removed from the malt-house to the distillery in bond, and the duty on such malt may be remitted upon proof satisfactory to the Department of Inland Revenue that such malt has been used solely for the production of spirits as herein stated.

Strike out from line 15 to line 25, both inclusive, "which will be repealed' and insert the following in lieu thereof:

When malt is entered ex warehouse for exportation in bond the exporter shall pay on every such entry a fee equal to *three cents* per cental on the quantity mentioned therein.

This is new.

Strike out SUB-SECTIONS 5, 6 and 8 and insert the following in lieu thereof, altering the numbers of the other sub-sections accordingly :—

(5.) On manufactured tobacco and snuff of all kinds except cigars made in whole or in part from foreign or imported leaf tobacco and containing not less than ten per cent by weight of moisture, and so in proportion for any greater or less degree of moisture, on every pound or less quantity than a pound, *twenty cents.*

(6.) On cigars made in whole or in part from foreign or imported leaf tobacco and containing not less than ten per cent by weight of moisture and so in proportion for any greater or less degree of moisture, on every pound or less quantity than a pound, *forty cents.*

(7.) On manufactured tobacco of all kinds (except cigars and common Canada twist), when made solely from tobacco grown in Canada and in a manufactory where no imported or foreign tobacco is used or kept, and containing not less than ten per cent of moisture, and so in proportion for every greater or less degree of moisture, on every pound or less quantity than a pound, *fourteen cents.*

(8.) On cigars made solely from tobacco grown in Canada, and made in a manufactory where no foreign or imported tobacco is used or kept, and containing not less than ten per cent. of moisture, and so in proportion for every greater or less degree of moisture on every pound or less quantity than a pound, *thirty cents.*]

Strike out the two paragraphs from line 15 to line 25, both inclusive, on page 13.

[SUB-SECTION 9. Strike out the words "Vinegar per gallon three and six-tenths cents" and insert the following in lieu thereof:—

Vinegar containing six per cent. of acetic acid, the strength to be determined by such tests as may be established by Orders in Council, and so in proportion for any greater or less strength, on every gallon or less quantity than a gallon, *four cents.*

Strike out the words "fourteen and four-tenths cents" in the last line, and insert the words:

"*fifteen cents*"

in lieu thereof.]

Strike out sub-section 10 and insert the following in lieu thereof:

10. Every provision in this Act imposing any new duty of excise, or making any alteration in any duty of excise imposed by the laws now in force, or making any alteration in the mode of calculating any such duty by which the amount thereof may be either increased or diminished, shall come into and be in force upon, from and after the
day of

and shall apply to and the duties hereby imposed shall be payable on all spirits and tobacco, vinegar or fermented beverages, distilled, manufactured or made, or taken out of bond for consumption on and after the said day, and such alterations as aforesaid shall apply to and the duties hereby imposed shall be payable on all malt held by any brewer, maltster, distiller, or other person on the said day, or manufactured or made thereafter, *but until the said day* the duties of excise imposed by the laws now in force and the mode of calculating the same shall continue to be as as they now are;

2. But the duty payable under this Act on or for any license issued after it comes into force shall be that imposed by this Act.

*

SECTION 37. Insert the following sub-section between sub-sections 2 and 3 and alter the numbers accordingly:—

The casing, packing, pressing, cutting, rolling, twisting, drying, or steming of Tobacco, shall be a working of a Tobacco manufactory, and an acting as a Tobacco manufacturer within the meaning of this Act.

SECTION 42. Add the following sub-section:—

5. Every compounder shall make such entries and returns, and keep such books and accounts, as may be from time to time, determined by Departmental regulations. 37 Vic., cap. 8, s. 5.

SECTION 44. Strike out the first paragraph and substitute the following in lieu thereof:—

Every distiller, compounder, maltster, tobacco manufacturer, bonded manufacturer, or other trader, who is required to take out a license under this Act or who carries on any business subject to Excise, shall further keep such

stock books and other books in such form and manner as may be prescribed and supplied by the Department of Inland Revenue.

[SECTION 47. Strike out the fourth sub-section and insert the following in lieu thereof:—

(4.) Upon the quantity of spirit which passes from the tail of the first worm in which it is condensed into the closed spirit receivers.]

After SECTION 60 insert the following sections:—

CLAUSES HAVING SPECIAL REFERENCE TO COMPOUNDERS.

(*a*) All the articles made by a compounder shall be subject to the same restrictions and provisions as to their removal from the premises in which they are made, and as to their removal from place to place, as Canadian or other spirits are liable to. 37 Vic., cap. 8, sec. 7.

(*b*) Every article made by a compounder shall be designated by some label or brand which shall shew the name of the compounder and the place at which such article was made; and the Governor in Council may, when it is deemed expedient so to do, order that such brands or labels shall be in the form of a stamp issued by the Department of Inland Revenue. 37 Vic., cap 8, s. 8.

(*c*) It shall be lawful for the Governor by Order in Council to add to schedule B to this Act, or to remove from the said schedule, any article or ingredient the addition or removal of which may by him be deemed necessary in the public interest. Every such order shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication. 37 Vic., cap. 8, s. 13.

SECTION 80. Divide it into sub-sections as hereinafter mentioned and inser the following additional words;—

In the first line after the word "Every" insert the word

distinct.

In the same line after the word "Tobacco" insert the words

or Cigars.

After the word "Dominion" in the third line insert the following as s.s. 2:

2. And when several boxes or packages are enclosed in an outer case, each of the packages so enclosed shall be severally stamped in the presence of an officer of Customs, who shall see that the labels are affixed to the packages to which they properly belong, that they truly represent the duty to which the packages to which they are attached are liable, and that they are affixed in accordance with the requirements of this Act.

The word "and" in the third line shall be struck out and a new section commenced with the word "Every."

After the word "Stamp" in the twelfth line insert the words

or cause to be stamped.

SECTION 80. Insert the following additional sub-section as s.s. 4:

4. All manufactured tobacco shall, before it is offered for sale, be packed in packages as follows:—

(*a*) Cavendish and all pressed tobacco shall be packed in

rectangular boxes, each containing not more than one hundred pounds of tobacco.

(*b*) Cut tobacco of all kinds and scrap shall be packed in packages, each containing not more than one pound, but any number of such packages not exceeding one hundred may be inclosed in an outer case or package, provided each of the lesser packages have been separately stamped.

(*c*) Snuff shall be packed in packages each containing not more than five pounds.

(*d*) Common Canada twist may be put up in rolls or coils each not exceeding two pounds in weight, and every such package shall be secured by cording or otherwise and enclosed in a paper or other band or casing so that a stamp may be securely attached thereto.

(*e*) Cigars shall be packed in rectangular boxes each containing not more than two pounds.

5 When any package of tobacco contains less than a pound it shall be such part of a pound as will be covered by some denomination of stamp then authorized and in use, and if any package contains a quantity of tobacco not represented by a stamp then in use the next highest denomination of stamp shall be used and the duty levied and collected as if the full quantity of tobacco represented by the stamp were contained in the package.

Insert a new s.s. as follows;—

6. So soon as any box, case or other package containing any tobacco, and which has been stamped as herein required, has been emptied, the stamp thereon and every trace of such stamp shall be completely removed from such box, case or package, and it shall be the duty of all officers of customs or excise to destroy every such empty box, case or package wherever found upon which there may remain any revenue stamp or any part of such stamp.

7. No licensed Tobacco manufacturer, dealer or other person shall retain in his possession any stamped box, case or package, used for putting up or packing tobacco upon which there remains any revenue stamp or any part of such stamp after the contents thereof have been removed.

After Section 80 insert the following section:

Every person who intends to grow any tobacco for sale shall, before planting any such tobacco, notify the nearest officer of Inland Revenue of such intention, and shall state in the notice where the land upon which the tobacco is to be grown is situated, and the maximum area of land and the maximum number of plants he proposes to cultivate.

Section 81.—Strike out the words "having paid the duty thereon" the and insert following in lieu thereof;—

entered in his warehouse books.

After Section 82 insert the following:

Any licensed cultivator of tobacco who desires to manufacture the tobacco or any portion thereof grown on his farm into common Canada twist for sale may do so, provided he has in his application for a license declared his intention

to carry on such manufacture and that the license granted to him contains a permission to that effect. But:—

2. All tobacco so manufactured shall be stamped as herein required before it is removed from the farm or premises on which the tobacco from which it was made was grown, and:—

3. Every cultivator who accepts a license to manufacture common Canada twist shall be a manufacturer of tobacco, and the tobacco manufactured by him shall be manufactured tobacco as herein defined.

Strike out SECTION 83 and insert the following section:—

83. Except that a licensed cultivator of tobacco may remove the products of his farm to the bonded warehouse of a licensed dealer where it shall be packed before being removed therefrom, all raw or leaf tobacco, whether imported or grown in Canada, shall be in packages which can be conveniently stamped, and it shall not be lawful to remove any tobacco from any bonded warehouse wherein it has been bonded, except in such original stamped packages; but when in such packages, tobacco may be removed from a warehouse in which it has been bonded, to any other bonded warehouse or to a licensed manufactory.

SECTION 84. After the word "for" in the first line insert the following words:—

raw or leaf

Strike out the word "fifteen" in the second line and insert the word

forty.

After the word "to" in the seventh line insert the words:—

the licensed bonding warehouse of.

Strike out the words "and the payment of the duty thereon by such dealer."

from the eighth and ninth lines.

After the word "manufacturer" in the eleventh line insert:—

or to a licensed dealer.

After the word "manufacturies" in the fourteenth line insert:—

or into some licensed bonding warehouse

After the word "books" in the fifteenth line insert the words;—

or in the dealer's warehouse books.

SECTION 85. Strike out the words "or taken out by a licensed dealer" from the fifth line.

After the word "Exportation" in the sixth line insert:—

or rewarehoused for a further term, the full amount of duty being first paid at the rate charged on manufactured Tobacco on any deficiency that may be ascertained by stock-taking at the expiration of two years, or when the new bond is taken.

SECTION 88. After the word "bonded" in the first and fourth lines insert the words:—

or not in stamped packages.

After the word "or" in the seventh line add the words;—

not in the bonded warehouse.

Strike out the last paragraph of the section.

SECTION 89. Strike out the words "for bonding and taking an account of all raw or leaf Tobacco heretofore imported or grown in Canada."

After the word " manufacturers " in the seventh line insert the words :—
licensed dealers in and cultivators of tobacco.
After the word " them " in the eighth line insert the words :—
or produced on any land cultivated by or for them
After the word " leaf " in the eleventh line insert the words ; —
brought into any manufactory.
After the word " Tobacco " in the twelfth line insert the words ;—
or to cultivate tobacco.
After the word " either " in the fourteenth line insert :—
and for determining the manner in which computations of the weights of tobacco, with reference to the standard herein established, shall be made.

SECTION 90. After the word " stamping " in the third and fifth lines insert the words :
and testing.
After the word " Manufactory " in the fourth line insert the words :—
and the raw leaf and other material used therein.

SECTION 94. Add a sub-section with reference to malt houses, as follows :
(5.) The quantity of malt removed from the malt house and the name and residence of the person to whom such malt is sold or delivered.

SECTION 102. Strike out the word " and " from the first line, and insert after the word " tobacco " in the same line :—
and other articles.
After the word " suitable," is the second line, insert ;—
licensed.

SECTION 103. After the word " be " in the second line insert :—
licensed.
Strike out the word " crown " from the sixth line and insert :—
Inland Revenue Department.
Add to the Section at the end :—
so as to be accessible only in the presence of an officer of Inland Revenue and of the owner of the goods in bond or his agent.

SECTION 106. Strike out all after the word " shall " in the first line and insert :—
be entered for warehouse by one entry than one hundred gallons of proof spirits, one thousand pounds of leaf tobacco, two hundred pounds of cavendish or other tobacco except cigars, one hundred pounds of cigars, and :—

2. No less quantity of goods shall be ex-warehoused by one entry than fifty gallons of proof spirits, one thousand pounds of leaf tobacco, one hundred pounds of cavendish or other manufactured tobacco except cigars, fifty pounds of cigars.

3. No less quantity of goods manufactured in bond shall be exwarehoused by one entry, than would be liable to a duty of fifty dollars.

SECTION 107. Add the following sub-section :—

2. In case the quantity of goods bonded in any warehouse shall, at any time or by any means, fall short or be deficient of the actual quantity which ought to be or remain ware-

housed, after deducting the quantities entered ex-warehouse, the owner thereof shall be subject and liable to the full duties on the balance of goods with which the warehouse stands debited, after taking an account of the ex-warehouse entries; and the goods remaining shall be subject to the duties on the quantity deficient, and shall and may be sold for payment thereof, by order of the Department; the surplus, if any, to be payable to the person who warehoused such goods, or his assigns. Exeept that when the Department of Inland Revenue is satisfied that no goods have been illegally removed from the warehouse, such goods as are actually in the warehouse at the time stock is taken, or at the expiration of two years, may be rewarehoused on payment of the full amount of duty on the ascertained deficiency.

SECTION 108. After the word "when" in the sixth line insert:—
the Collector of Inland Revenue or other proper officer of Excise certifies that the molasses has been.

Strike out all after the word "cancelled" in the seventh line to the word "gallon" in the twelfth line inclusive.

Strike out SECTION 121 substitute the following for it:—

. On the last day of each of the months of September, December, March and June, the Inspector of Inland Revenue shall take an accurate account of the quantity of each of the articles entered for use in the bonding manufactories under his survey, then in stock, and whenever it shall appear to his satisfaction:—

(*a.*) That the articles made in any bonded manufactory have been made in conformity with the law;

(*b.*) That the conditions of the license have been complied with as to the proportion of each article used and produced—and;

(*c.*) that the quantities of the several articles then on hand, together with the quantities lawfully used in the process of manufacturing the articles for which the license is granted, truly represents the whole quantity of the articles entered into the manufactory as shown by the returns made and accounts kept in accordance with the law and the regulations made in that behalf:—

The Collector shall certify the quantity of each article so used, and the account with the manufacturer's bond shall be credited with the quantities so certified. But:

2. When the quantity of any article found in stock is less than that which with the quantity lawfully used and accounted for, would be equivalent to the whole quantity of such article taken into the manufactory, the bonded manufacturer shall forthwith pay the amount of duty for which the quantity so deficient is liable, andthe duty so collected shall be held to be a duty of excise and collected and accounted for as such.

SECTION 124. After the word "computed," in the sixth line, insert:—
and tested.

After the word "inspected" in the sixth line of s.s. 2, insert :—
tested.

After SECTION 124 insert the following :

Any licensed distiller who imports and receives into his distillery, or uses in the manufacture of spirits therein, any foreign grain on which a duty of customs has been paid, and exports spirits thereafter made in such distillery, shall, on due proof of such use and export, be entitled to a drawback equal to the duty paid on the grain used in the production of the spirit exported ; and the amount of such drawback shall be determined in such manner as may be directed by any Order in Council in that behalf ;

2. Any distiller who exports any spirits in the production whereof any malt upon which any duty of customs or excise has been paid, shall upon the production of due proof of such use and payment of duty, be entitled to a drawback equal to the duty paid on the malt used in the production of the spirits so exported, and the amount of such drawback shall be determined in such manner as may be directed by any Order in Council in that behalf.

After SECTION 140 insert the two following sub-sections :—

3. Any officer of Inland Revenue having a writ of assistance may arrest and detain any person whom he may detect in the commission of any offence declared by this Act to be a misdemeanor or a felony.

4. Every person so arrested shall, as soon as possible thereafter, be brought before a Justice of the Peace or other magistrate having jurisdiction, by whom the complaint against the person arrested shall be dealt with as the law directs.

SECTION 142. s.s. (f) s.s. 2. After the word "conceals" in the first line, insert :—
or keeps.

And after the word "concealed" in the first line, insert :—
or kept.

s.s. (g) After the word "removing" in the first line, insert :—
or who removes.

After the word "shall" in the second line of the paragraph next after s.s. (g), insert :—
for a first offence pay a penalty of not less than *one hundred dollars* and not more than *five hundred dollars*, and shall be imprisoned with or without hard labour, for a period of not less than one and not more than six months ; and for a second or any subsequent offence shall.

Strike out s.s. (c) of s. s, 2, and substitute the follow ng for it :—

(*c*) Manufacture for sale, or for consumption except by himself or the members of his family resident with him on the farm or premises whereon it is grown, any tobacco grown by himself for his private use.

After s.s. (d) in s.s. 2, add :—

(e) Who having obtained a license to manufacture exclusively from raw tobacco grown in Canada, shall use, or bring

into, or permit to be used or brought into his manufactory any imported foreign leaf or raw tobacco.

After the word "shall" in the next line, insert:—

for a first offence, forfeit and pay a penalty of *fifty dollars*, and for a second or any subsequent offence shall.

SECTION 145. After the word "pay" in the seventh line, insert:—

for a first offence, a penalty of not less than *fifty dollars*, and not more than *one hundred dollars*, and for a second or any subsequent offence

SECTION 146.—After the word "possession" in the second line, insert:—

except on a farm or premises whereon it was grown or in a licensed manufactory

After the word "any" in the same line, insert:—

loose or unpacked raw or manufactured tobacco or any.

Strike out the words "each such" from the fifth line and insert in lieu thereof:—

A first offence a penalty of not less than *fifty* and not more than *two hundred dollars*, and for a second or any subsequent

After the word "possession" in the seventh line, insert:

loose or unpacked or

After Section 150 insert:—

Any brewer who shall add to the malt brought into his brewery any meal, raw grain or other material, or shall put into his mash-tub or mix with his worts any syrup, sugar, or other saccharine matter; without making a true return thereof to the proper officer or without entering the same in the books or accounts kept or required to be kept by him in pursuance of any regulations made under this Act, shall for a first offence forfeit and pay a penalty of *fifty* dollars, and for a second or any subsequent offence he shall forfeit and pay a penalty of not less than *one hundred* dollars and not more than *two hundred* dollars.

2 And for a second or any subsequent offence all the malt and utensils in his brewery when the offence is discovered, shall be seized by any officer of Inland Revenue having a knowledge thereof and forfeited to the Crown.

SECTION 151. Strike out the words "for every such offence" from the thirteenth line and insert:

for a first offence a penalty of not less than *one hundred* dollars and not more than *five hundred* dollars, and for a second or any subsequent offence he shall forfeit and pay

Strike out the word "thereto" from the fourteenth line, and insert:

to such penalties.

After the word "pay" in the first line of the last paragraph, insert:

for a first offence a penalty of not less than *one huured* and not more than *five hundred* dollars, and for a second or subsequent offence shall forfeit and pay.

After the word "discovered" in the third line of the same paragraph, insert the words:

a second or at any subsequent time

SECTION 152. Strike out the last paragraph but one, s.s. 10, and insert in lieu thereof:

shall forfeit and pay for a first offence a penalty of not less than *one hundred* dollars, and not more than *five hundred* dollars, and for a second or any subsequent offence he shall forfeit and pay a penalty of *five hundred* dollars, together with.

SECTION 155. Strike out from the fourth line of s.s. 2 the word "Minister," and insert:

Department.

After the word "shall" in the first line of the paragraph next after s.s. 9, insert:

for a first offence forfeit and pay a penalty of not less than *fifty* and not more than *three hundred* dollars, and for a second or any subsequent offence shall

SECTION 186. Before the first words of the section insert the following:

Subject to any special provision made in the foregoing enactments, this Act shall come into force upon, from and after the day of next, after the passing thereof, and upon, from and after the said day

And after the words "completed under" in the tenth line of the said section, insert the following words:

the said Acts or under.

And after the words "heretofore under" in the fifteenth line of the said section, insert the following words:

or any obligation, penalty or liability heretofore incurred under or.

GENERAL throughout the Bill—Wherever the words "spirit receiver" or the word "receiver" occur insert the words:—

closed spirit receiver

in lieu thereof.

At the end of the Bill insert the following as Schedule A.:

Acts and parts of Acts repealed by this Act.

31 Vict., chap. 8—The whole.

31 Vict., chap 51—The whole.

33 Vict., chap. 9—Sections 18, 19 and 20.

37 Vict., chap. 6—Sections 11 and 12.

37 Vict, chap. 8—The first two paragraphs of section 1, and the whole of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.

39 Vict., chap. 5—The whole.

40 Vict., chap. 11—Sections 1 and 8.

40 Vict., chap. 12—The whole.

41 Vict., chap. 9—The whole.

42 Vict., chap. 15—Sections 13, 14, and schedule as to duty on malt.

And the following as Schedule B.

Imitations of British or foreign wines, brandy, rum, gin, old tom, Geneva schnapps, British or foreign whiskey and itter liquors and cordials when containing alcohol.

No. 7.] **BILL.** [1880.

An Act to consolidate and amend the Acts respecting the Inland Revenue.

NOTE.—*It is intended that this Bill shall contain the law as it now stands, and that before it is read a second time resolutions for amendments in the law will be submitted, to the end that when passed and concurred in, they may referred to the Committee of the Whole on this Bill and incorporated with it.*

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

INTERPRETATION AND DEFINITION OF TERMS.

Distilleries.

2. The following terms and expressions wherever used in this Act, unless it be otherwise specially provided, or there be something in the context repugnant to or inconsistent with such construction, shall be construed and interpreted as hereinafter mentioned, that is to say:— Interpretation of words and expressions.

(*a.*) "*Still*" means and includes any distilling apparatus whatever for the distilling or making of spirits; Still.

(*b.*) "*Spirit Receiver*" means the vessel or vessels into which the spirit is conveyed as hereinafter provided from the tail of the worm for measurement, and in which the quantity and strength upon which the duty is payable, is ascertained and determined by the Officer of Excise: Spirit Receiver.

(*c.*) "*Rectifier*" means and includes any pipe, vessel or still into which the spirit is conveyed after leaving the spirit receiver, for the purpose of rectification, by re-distillation, filtration, or by any other process; Rectifier.

(*d.*) "*Proof Spirits*," or "*Spirits of the strength of Proof*," mean any spirit having the strength of Proof by Sykes' Hydrometer; Proof spirits.

(*e.*) "*A Distillery*" means and includes any place or premises— Distillery.

Where any process of fermentation for the production of wash is carried on, or

Where any wash is kept or produced for the purpose of distillation, or

Where any mash-tub, fermenting-tun, worm or still for the distillation of spirits it set up or used, or

Where any process of distillation whatever of spirits is carried on, or

Where any process of rectification of spirits either by redistillation, filtration, or other process is carried on, or

Where any spirits is manufactured or produced from any substance whatever, by any process whatever. 31 Vic. Cap. 8, sec. 2 ;

Where any still, rectifier or other apparatus, suitable for the manufacture of wash, beer or spirits, is in whole or in part manufactured, made or kept. 40 Vic., cap. 12, s. 1 ;

Where certain articles are stored.

And every office, workshop, warehouse, granary, fermenting-room, mash-house, still-room, rectifying-house, vault, cellar, shed, yard or other place owned or occupied by, or on behalf of or for the use of any Distiller, or wherein any part of his business as such is transacted, or were any grain, matter, material or apparatus suitable for or adapted to the production of spirits, or which is or is to be used in the production or rectification of spirits is kept or stored, or where any of the products of the distillery are kept or stored, or where any process of manufacture is carried on, shall be held to be included in and to form part of the distillery to which they are attached or are appurtenant ;

Distiller.

(*f.*) "*Distiller*" means and includes any person who conducts, works, occupies or carries on any distillery, or who rectifies any spirits by any process whatsoever, either by himself or his agent ; and every person making or keeping beer or wash prepared or fit for distilling, or low wines or faints, or having in his possession or use a still or rectifying apparatus, shall be deemed to be a distiller, and liable to the several duties, obligations, penalties and forfeitures imposed by law on distillers. 31 Vic., Cap. 8, sec. 2 ;

Distiller.

Or who has in his possession, complete or partially completed, or who imports, makes or manufactures, in whole or in part, any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer, or spirits." 40 Vic. Cap. 12, sec. 1.

Breweries.

Beer.

3. (*a.*) "*Beer*" means and includes beer, ale, porter, lager beer, and all other malt liquor.

Brewery.

(*b.*) "*Brewery*" means and includes any place or premises where any beer or malt liquor, or beverage in imitation of malt liquor, is manufactured ; and all offices, granaries, mash-rooms, cooling-rooms, vault, cellars and store-rooms connected therewith or in which any material to be used in the manufacture of beer or malt liquor is kept or stored, or where any process of manufacture is carried on, or where any

apparatus connected with such manufacture is kept or used, or where any of the products of brewing or fermentation are stored or kept, shall be held to be included in and to form part of the brewery, to which they are attached or are appurtenant;

(*c.*) "*Brewer*" means and includes any person who occupies, carries on, works or conducts any brewery either by himself or his agent. 31 Vic., cap. 8, sec. 2. Brewer.

Malting and Malt-Houses.

4. (*a.*) "*Malt*" means and includes all preparations of grain or leguminous seeds that have been steeped in water, allowed to germinate, and the germination checked by drying, or which is to be used for the production of beer, or that may be malted for the purpose of distillation; Malt.

(*b.*) "*Malt House*" means and includes any place or premises where any malt is manufactured, made or produced,—and all offices, granaries, malt-houses, kilns, malt warehouses, and store-rooms connected therewith, or in which any grain, leguminous seeds or material to be used in the manufacture of malt are kept or stored, or where any process of such manufacture is carried on, or where any apparatus or ustensils connected with or used in such manufacture are kept or used, or where any of the products of malting are stored or kept, shall be held to be included in and to form part of the malt-house to which they are attached or are appurtenant; Malt House.

(*c.*) "*Maltster*" means and includes any person who occupies, carries on, works or conducts any malt-house either by himself or his agent; Maltster.

(*d.*) "*Cistern*" means and includes any vessel, vat, or other apparatus or utensils wherein any grain or leguminous seed is steeped or wetted during any of the processes of converting it into malt; Cistern.

(*e.*) "*Couch-Frame*" means and includes any place or compartment into which the grain is conveyed after being removed from the cistern; Couch-frame.

(*f.*) "*Malt-Floor*" means and includes all those floors in the malt-house whereon the grain is placed during the next process after its removal from the couch-frame; Malt-floor.

(*g.*) "*Kiln*" means and includes all heated floors or apparatus wherein or whereon grain is dried or roasted in the next process after its removal from the malt-floor. 31 Vic., cap. 8, sec. 2. Kiln.

Tobacco and Tobacco Manufacturers.

5. (*a.*) "*Raw Tobacco*" means unmanufactured tobacco, or the leaves and stems of the plant before it has passed through any process of manufacture; Raw tobacco.

Tobacco manufactory.

(*a.*) "*Tobacco Manufactory*" means and includes any place or premises where tobacco is manufactured or worked up; and every work-shop, office, store-room, warehouse, shop, shed, yard or other place where any of the raw material is or is to be stored, or where any process connected with the manufacture or preparation of tobacco is, or is intended to be carried on, or where any of the products of the manufacture are, or are intended to be stored, shall be held to be included in and to form part of the tobacco manufacture to which they are attached or are appurtenant;

Tobacco manufacturer.

(*c.*) "*Tobacco Manufacturer*" means and includes any one who, by himself or his agent, carries on any business or process of manufacturing or working up, or in any way preparing raw tobacco for smoking, chewing, for snuff or for any other purpose; and the manufacturing or preparing of cigars shall be a manufacturing of tobacco within the meaning of this Act. 31 Vic., cap. 8, sec. 2.

Bonded Manufacturers.

Bonded manufacturer.

6. (*a.*) "*Bonded Manufacturer*" means and includes any person who, by himself or his agent, carries on the manufacture of any article or compound wherein goods liable to duties of Customs or Excise are used before the duties to which they are liable are paid;

Bonded manufactory.

(*b.*) "*Bonded Manufactory*" means and includes any place or premises where any article or compound is manufactured or made in the compounding or manufacturing whereof goods liable to the duties of Customs or Excise are used before the duties to which they are liable are paid; and every place where any such goods are warehoused, stored or kept, shall be held to form a part of the bonded manufactory to which it is attached or appurtenant. 31 Vic, cap. 8 sec. 2.

Miscellaneous.

Stamp.

7. (*a.*) "*Stamp*" means any distinctive mark, label or seal impressed upon or affixed to any goods, material, merchandise, or apparatus, subject to the provisions of this Act, or of any other Act passed or to be passed respecting Excise, or of any Order in Council, or departmental regulation made under such provisions, or impressed upon or affixed to any package in which any such goods, material, or merchandise are contained; and such stamps respectively shall be made, impressed and affixed, in such manner, and by means of such dies or other instruments as shall, from time to time, be ordered and regulated by the Minister of Inland Revenue;

Subject to excise.

(*b.*) The words "*subject to Excise*," wherever they occur in this Act, shall mean,—"subject to the provisions of this Act, or to any other Act, passed or to be passed respecting duties of Excise or the Inland Revenue, or to any proclamation, Order in Council, or departmental regulation published or made, or that may be hereafter published or made, under

such provisions ;" and every place or premises wherein licit or illicit, licensed or unlicensed mashing, fermentation, distillation, rectifying, brewing, or manufacturing of tobacco or manufacturing of any article in bond, or manufacturing of any article on which there is a duty of Excise, or which is manufactured wholly or partly out of any articles on which there is a duty of Excise or Customs, and on which such duty has not been paid, is carried on or performed,— and every worm, still, mash-tub, fermenting-tub, or other tool, utensil, apparatus or thing, which is or might be used for such purposes lawfully, or unlawfully, shall be deemed to be "*subject to Excise.*"

Superior officer of Inland Revenue.

(*c.*) The words "*Superior Officer of Inland Revenue*" shall mean and include the Commissioner or Assistant Commissioner, or Inspector of Inland Revenue, or any person doing duty as the deputy head of the Department, and any Inspecting Officer of Inland Revenue or of Excise.

Departmental Regulation.

(*d.*) The words "*Departmental Regulation,*" whenever they occur in this Act, shall mean and include all regulations and rules promulgated by the Department of Inland Revenue, and duly authenticated by the deputy head of that Department. 31 Vic., cap. 8, sec. 2.

OF LICENSES.

Business not to be carried on without license.

8. From and after the passing of this Act, no person, except such as shall have been licensed as herein provided, shall carry on the business or trade of a distiller, or brewer or maltster, or of a manufacturer of tobacco, or use any utensil, machinery or apparatus suitable for carrying on any such trade or business, or any business subject to excise ; or import or make any still, rectifier or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits.

Notice to be given of making or having possession of apparatus.

2. Neither shall it be lawful for any person or persons to import, make or have in his or their possession, or keep any still, worm, mash-tub, fermenting-tun, distilling, rectifying or brewing apparatus, or any malt-kiln or malt-floor, nor any apparatus for the manufacture or production of malt, nor any tobacco press or mill for cutting or grinding tobacco, without having given, when such articles come into his possession, and on or before the tenth day of July in each subsequent year, a full and particular list, description and return thereof to the Collector of Inlann Revenue, of the same nature and in the same form as is hereby required in an application for a license to use similar apparatus or machinery ;

Exception to beer brewed for private use.

3. Except that utensils used by any person solely for the purpose of brewing beer for the use of himself and family, and not for sale, are exempt from the provisions of this Act ; and beer so brewed shall not be liable to any duty under this Act, nor shall any license be required by any person so brewing for his own private use :

Or tobacco grown for private use.

4. Nor shall any person growing tobacco on his own lands or property and manufacturing the same for his own private use and not for sale, require a license for so doing, nor shall the tobacco so manufactured be subject to excise duty :

Importation or making of apparatus for private use to be reported.

5. Every person who is about to import or make any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits shall, before the importation or making thereof is commenced, report in writing his intention in relation thereto, to the nearest officer of Inland Revenue, stating,—

Details to be reported.

(*a.*) The name and residence of the person for whom or for whose account he is about to import or make such still, worm, rectifier or other apparatus.

(*b.*) The material of which it is to be made,

(*c.*) The capacity of any such still, worm, rectifier or other apparatus." 40 Vic., cap. 12, s. 2.

When annual licenses shall expire.

9. Every license shall terminate on the thirtieth day of June, in every year, and except as herein otherwise provided, the same amount shall be paid for every such license, whether it has a full year or only a part of a year to run from the date when it is granted ; except that in the case of any application for any such license by a party who has not theretofore obtained a license, and who is beginning business, such license, if applied for on or after the first day of January, may be issued to such applicant for the remainder or until the end of the fiscal year, upon payment of one half only of the annual license duty or fee otherwise payable on such license. 31 Vic., cap. 8, sec. 5.

As to licenses for less than a year.

Application over license.

10. Every person requiring a license under this Act shall make application therefor in writing over his signature to the Collector of Inland Revenue, within whose district or Revenue division the business for which such license is required to be carried on, and every such application shall be made in the form to be prescribed by the Minister of Inland Revenue. 31 Vic, cap. 8, sec. 6.

What the application must show.

11. Every application for a license shall state the exact locality, in the city, town, village, township, or local municipality, as the case may be, where the premises are situated, in which the business for which the license is required is to be carried on, and shall contain or have annexed thereto—

a full and particular description in writing, with such models, diagrams or drawings as may be needed for fully understanding the same, of all the machinery, buildings, premises and places where such business is to be carried on, or where any of the materials or commodities used or to be used therein, or any of the products thereof, are or are to be stored or kept, and of the power by which the machinery so used is to be worked ; and the description shall also describe in detail, every building and every separate room, cellar,

vault, shed or other compartment thereof, specifying what use is to be made of each, and stating the designation which is to be placed over the entrance to each, in accordance with the provisions of this Act : and no license shall authorize a person to keep or use a still, or make wort or wash, low wines or spirits, or brew malt liquor or manufacture malt or tobacco, in any other place than the house or premises mentioned in the application for such license. 31 Vic., cap. 8, sec. 7.

License to apply to one place only.

12. Every such application shall also state the names of the parties proposed by such applicant as his sureties in accordance with the requirements of this Act; and it shall alse contain a statement of the maximum quantity of each article which the utensils are capable of mashing, fermenting, distilling, or otherwise producing within each half-month. 31 Vic., cap. 8, sec. 8.

To show names of sureties, capacities of utensils, &c.

13. Every application for a license for distilling or brewing, or for manufacturing in bond shall also contain a list and descriptien of all utensils, stills, worms, boilers, mash-tubs, fermenting-tuns, coolers, underbacks, spirit-receivers, or ether vessels or machinery, which it is intended should be placed in the premises, or which are on the premises at the time of application, specifying distinctly and clearly—

Description of utensils for distilling or brewing.

1. The dimensions and capacity of every still, mash-tub fermenting-tun, cooler, spirit-receiver, and of every other utensil, in inches and gallons, the purpose to which each is to be applied, and the locality or position in the building in which it is, or is to be placed or used ; and also—

Dimensions of still, &c.

2. A description of every pipe, conduit, trough, hose, valve, pump, cock, and of every means of connection or communication between the several vessels or utensils used in or about the distillery or brewery, with a description and drawing or model shewing the exact position of every cock, connection and joint. 31 Vic., cap. 8, sec. 9.

Description of pipes, &c.

14. Every application for a license to carry on business as a maltster shall also contain a description of all cisterns, couch-frames, malt-floors, kilns, malt-warehouses or other places, utensils, apparatus or things whereon or wherein malt is to be made, manufactured or stored, in every case stating the dimensions, cubical contents or area, as the case may be, of the cisterns, couch-frames, malt-floors, kilns or storehouses. 31 Vic , cap. 8, sec. 10.

If the business be that of maltster.

15. Every application for a license for the manufacturing of tobacco, shall also contain a list and description of all tools and machinery used or proposed to be used in the business for which the license is sought, especially of all presses, cutting machinery and mills, stating the part of the building in which they are to be used. 31 Vic , cap. 8, sec. 11.

And if for manufacture of tobacco.

Premises referred to in license after surveyed by an officer of Inland Revenue.

16. No license shall be granted for carrying on any business or trade under this Act, until after a survey has been made by an officer of Inland Revenue duly authorized for that purpose by Departmental regulation or otherwise, of the building or place wherein such business is to be carried on, nor until such officer has reported that all the conditions and provisions of this Act and of any Order in Council or Departmental regulation made in virtue thereof have been complied with as respects such place ; and no license shall in any case be granted for carrying on any business in any building which forms part of or is appurtenant to, or which communicates by any common entrance with any shop or premises wherein any article to be manufactured under such license is sold by retail, or wherein there is kept any broken packages of such articles. 31 Vic., cap. 8, sec. 12.

Condition of license and security to be given by a distiller.

17. A license to carry on the business or trade of a distiller may be granted to any party who has complied with the other requirements of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly with no less than two and not more than six good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in a sum equal to the amount at which the Collector or some superior officer of the Inland Revenue estimates the duties to be paid by the party to whom the license is granted, on the products of the distillery for which it is granted, worked to its full capacity, during one month of the time for which the license is to remain in force—the party obtaining the license being bound in the full amount of such estimate, and the sureties each severally for such amount as that the sums for which they are respectively bound shall together be equal to the amount of such estimate ; and such bond shall be taken before the Collector or superior officer of Inland Revenue, who shall cause such sureties to justify as to their sufficiency, each for the sum for which he is bound, by affidavit to be made before him and endorsed upon the bond, and shall be conditioned for the rendering of all accounts and the payment of all dues and penalties which the party to whom the license is to be granted will become liable to render or pay under this Act, and that such party will faithfully comply with all the requirements of this Act, according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever. 31 Vic, cap. 8, s. 13.

How the bond shall be executed.

Conditions thereof.

Conditions of license and security by a Rectifier.

18. A license to carry on the trade or business of a rectifier may be granted to any party who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly and severally, with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in the sum of four thousand dollars ; and such bond shall be taken before the Collector of Inland Revenue, who shall cause such sureties to justify as to their suffiaiency before him by affidavit endorsed upon such bond, and shall be conditioned for the rendering of all accounts

and the payment of all duties and penalties which the party to whom the license is to be granted will become liable to render or pay under the provisions of this Act and that such party will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever. 31 Vic., cap. 8, s. 14.

Conditions of license and security to be given by an importer or maker of apparatus.

"2. A license to import or make (apart from the manufacture of beer, wash or spirits, and from the rectification of spirits), stills, worms, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, may be granted to any person who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly and severally, with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors in the sum of one thousand dollars ; and such bond shall be taken before the Collector of Inland Revenue, who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond, and shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the party to whom the license is to be granted will become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever." 40 Vic., cap. 12, sec. 3.

Conditions of license and security to be given by a maltster or tobacco manufacturer

19. A license to carry on the trade or business of a maltster or tobacco manufacturer may be granted to any party who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly and severally with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in a sum equal to the amount at which the Collector of Inland Revenue estimates the duties to be paid by the party to whom the license is granted, during two months of the time it is to romain in force ; and such bond shall be taken before the said Collector of Inland Revenue, who shall cause such sureties to justify as to their sufficiency before him, by affidavit endorsed upon such bond, and shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the party to whom the license is to be granted, will become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties, as to all other matters and things whatsoever. 31 Vic., cap. 8, sec. 15.

Conditions of license and security to be

20. A license to carry on the trade or business of a brewer may be granted to any party who has complied with the provisions of this Act, provided that the granting of such

given by a brewer.

license has been approved by the District Inspector, and that the party has, jointly and severally, with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in the sum of one thousand dollars, and such bond shall be taken before the Collector of Inland Revenue, who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond, and shall be conditioned for the rendering of all accounts and the payment of all penalties to which the party to whom the license is granted will become liable under the provisions of this Act, and that such party will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts and penalties as to all other matters and things whatsoever. 31 Vic., cap. 8, sec. 16.

Governor in Council may authorize manufacture of goods in bond from dutiable articles.

21. The Governor in Council may, in his discretion, authorize the manufacture in bond of such dutiable goods as he may, from time to time, see fit to designate, in the manufacture or production whereof spirits or other articles subject to duties of Customs or Excise are used, by persons licensed to that effect and subject to the provisions herein made and to the regulations to be made by the Governor in Council in that behalf. 31 Vic , cap. 8, s. 17.

Conditions of license so to manufacture and security to be given.

22. Before any person shall be entitled to carry on any such manufacture in bond, he must apply for and obtain a license so to carry on the manufacture of some certain kind or kinds of goods to be mentioned in the application and license, in some certain premises to be therein described; every such license shall be known as a Bonded Manufacturing License, and no such license shall be granted to any party until the granting thereof has been approved by the Department of Inland Revenue, nor until he has, jointly and severally with good and sufficient sureties to the satisfaction of the Collector or some superior officer of Inland Revenue, entered into a bond to Her Majesty, Her heirs and successors, in the sum of four thousand dollars, and in a further sum equal to the amount at which the said Collector or superior officer of Inland Revenue estimates the maximum amount of duties to be paid by such party during any two months of the time it is to remain in force; and such bond shall be taken before the said Collector or superior officer of Inland Revenue, who shall cause such sureties to justify as to their sufficiency before him, by affidavit endorsed upon such bond and shall be conditioned for the rendering of all accounts and the payment of all duties and penalties which the party to whom the license is granted will become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties, as to all other matters and things whatsoever. 31 Vic , cap. 8, sec. 18.

Duration of bonds under foregoing sections.

23. Every such bond as aforesaid shall remain in force so long as any duty upon any articles or commodities subject to Excise, or on any license, or any penalty to which the bond

relates, remains unpaid by the party to whom such license was granted. 31 Vic., cap. 8, sec. 20.

New bond if new license.

24. But whenever any new license is granted to any party, a new bond shall be likewise entered into with reference to such new license. 31 Vic., cap. 8, sec. 20.

And if surety dies or becomes insolvent.

25. And a new bond shall also be given, whenever, during the period for which any license to which the bond first given relates is in force, either of the sureties dies, becomes insolvent, or removes permanently out of Canada; and the license shall be void from the time the party to whom it was granted is required by the Collector or superior officer of Inland Revenue to enter into a new bond until the time when such new bond is given, during which time the party neglecting to enter into such new bond shall be held to be without a license. 31 Vic., cap. 8, sec. 21.

To whom application shall be made for license.

26. Every application for a license under this Act shall be forwarded by the Collector of Inland Revenue to the District Inspector, or in the case of an application for a bonded manufacturing license to the Department of Inland Revenue, with such information as may be required by any departmental regulation, and so soon as the said application shall be returned to the Collector, endorsed with the approval of the District Inspector or of the Department of Inland Revenue, and upon the due execution of the bond with sureties as herein required, the Collector of Inland Revenue shall issue a license to carry on the business and to use the utensils, machinery and apparatus specified in the application, and in the place and premises therein specified, and in such place or premises only, and shall immediately report the issue of such license to the Department. 31 Vic., cap. 8, sec. 22.

And by whom issued.

Same conditions for new license.

27. Upon the expiration of every license issued under this Act, the granting of a new license in lieu thereof shall be subject to the same restrictions and conditions as the granting of the original license was subject to. 31 Vic., cap. 8, sec. 23.

Burden of proof of license.

28. The burden of proof that any license required by this Act has issued, shall rest upon the person to whom such license is alleged to have been issued. 31 Vic , cap. 8, sec. 24.

DUTIES PAYABLE ON LICENSES.

On general license for distilling and rectifying.

29. The party in whose favour a license is granted for distilling and rectifying, or for either, by any process, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of *two hundred and fifty dollars*. 31 Vic., cap. 8, sec. 25.

License dues for importing or making apparatus.

2. Every person who applies for a license to import or manufacture (apart from the manufacture of beer, wash or spirits, and from the rectification of spirits), stills, worms, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, shall, when applying for such license,

pay to the Collector of Inland Revenue the sum of *thirty dollars*. 40 Vic, cap. 12, s. 4.

For brewing.

30. The party in whose favor a license for brewing is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of *fifty dollars*. 31 Vic, cap. 8, s. 26.

For malting.

31. The party in whose favor a license for malting is granted shall, upon receiving such license, pay to the Collector of Inland Revenue,—

First-class capacity.

(*a*.) For a first-class license, which shall entitle him to work a malt-house having a capacity to produce two thousand centals and upwards of malt during one month's working, *two hundred dollars*;

Second-class.

(*b*.) For a second-class license, which shall entitle him to work a malt-house having a capacity to produce one thousand five hundred and not more than two thousand centals of malt during one month's working, *one hundred and fifty dollars*.

Third-class.

(*c*.) For a third-class license, which shall entitle him to work a malt house having a capacity to produce one thousand centals and not more than one thousand five hundred centals of malt during one month's working, *one hundred dollars*.

Fourth-class.

(*d*.) For a fourth-class license, which shall entitle him to work a malt house having a capacity to produce five hundred and not more than one thousand centals of malt during one month's malting, *fifty dollars*.

How the capacity be ascertained.

The capacity in each case to be as computed by the Collector of Inland Revenue, upon a survey of the premises for which a license is required. 40 Vic., cap. 12, s. 11.

32. The party in whose favor a license for manufacturing tobacco is granted shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of *fifty dollars* each. 31 Vic., cap. 8, sec. 28.

License of manufacturing tobacco.

33. The party in whose favor a license for manufacturing in bond is granted shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of *fifty dollars* 31 Vic., cap. 8, sec. 29.

Dues to be paid before issue of license.

34. All license fees shall be due and payable at the time when the license is granted, and in no case shall the certificate of license be granted until all such fees are paid. 31 Vic., cap. 8, sec. 30.

DUTIES OF EXCISE.

Duties of excise declared.

35. In lieu and instead of all duties of Excise imposed by any Act *hereby repealed* on any of the articles hereinafter

named, or upon beer, there shall be imposed, levied and collected on all spirits distilled, and on all malt and on fermented beverages made in imitation of malt liquor, and wholly or in part from any other substance than malt, and on tobacco manufactured within the Dominion of Canada, and on goods manufactured in bond therein, the following duties of Excise which shall be paid to the Collector of Inland Revenue, as herein provided, that is to say; (31 Vic., cap. 8, s. 31).

On spirits.

2. On every gallon of spirits of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any less quantity than a gallon, *one dollar*. 42 Vic., cap. 15, s. 13.

On malt.

On every pound of malt, *one cent*. 42 Vic., cap. 15, s. 14.

On every pound of malt imported into Canada and warehoused, when taken out of bond for consumption, an excise duty of *two cents*. 42 V., c. 15, s. 1 and Schedule A.

To be bonded under regulations.

Malt so imported shall be warehoused in a suitable bonding warehouse provided at the cost of the importer and approved as such by a duly authorised Revenue officer, and shall be bonded under the excise regulations then in force in respect of malt made in Canada, and shall be subject to the same restrictions, and if not so warehoused immediately on importation shall be forfeited to the Crown, and may be seized by any officer of the Revenue Office knowing the fact. 41 V., c. 9, ss. 2 and 3.

Fermented liquors.

On every gallon of any fermented beverage made in imitation of beer or malt liquor, and brewed in whole or in part from any other substance than malt, *eight cents*;

Drawback on sugar used.

Provided the brewers using sugar in the manufacture of beer, and paying the above-mentioned duty on the beer made therewith, may receive a drawback equal to the duty of excise paid by them on the malt used with such sugar in making such beer. 40 Vic., cap. 11, s 1.

On manufactured tobacco

5. On manufactured tobacco there shall be imposed, levied and collected the following duties of excise, that is to say:— (31 Vic., cap. 8, sub-sec. 5 of s. 31.)

Cavendish tobacco, &c.

6. On Cavendish tobacco and snuff, and on manufactured tobacco of all kinds, except cigars and common Canada twist, on every pound or less quantity than a pound, *twenty cents*. 37 Vic., cap 6, s. 12.

On certain kinds of tobacco.

7. On common Canada twist, otherwise called "*tabac blanc en tor?uette*," being the unpressed leaf rolled and twisted, and made wholly from raw tobacco, the growth of Canada, for every pound or less quantity than a pound, *four cents*. 42 Vic., cap. 15, s. 16.

On cigars abatement for moisture.

8. On cigars, for every pound or less quantity than a pound, *forty cents;* subject to an abatement or allowance for moisture in calculating the weight for duty, to be fixed from time to time by regulations to be made by the Governor in Council. 37 Vic., cap. 6, sec. 12.

On goods manufactured in bond.

9. All goods manufactured in bond shall, if taken out of bond for consumption in Canada, be subject to duties of Excise equal to the duties of Customs to which they would be subject if imported from Great Britain and entered for consumption in Canada; and whenever any article not the produce of Canada, upon which the duty of Excise would be levied if produced in Canada, is taken into a bonded manufactory, the difference between the duty of Excise to which it would be so liable, and the customs duty which would be levied on such article, if imported and entered for consumption, shall be paid as a duty of excise when it is taken into the bonded manufactory. 31 Vic, cap. 8, s. 31, par. 9.

Proviso as to certain articles.

Provided always that the undermentioned articles when manufactured in bond shall, when entered for consumption in Canada, be subject to the following duties of Excise, and to no other, that is to say:

Vinegar.

Vinegar, per gallon, *three and six-tenths cents;*

Methylated spirits.

Methylated spirits, being composed of alcohol mixed with wood naphtha in such proportions, and subject to such regulations as may, from time to time, be made by the Treasury Board, for every gallon of the strength of proof, and so in proportion for every greater or less strength, and for every less quantity than a gallon, *fourteen and four-tenths cents.* 33 Vic., cap. 9, s. 18.

When the said duties shall be held to have become payable.

10. The said duties shall be held to have been imposed and to have been payable on and after the fifteenth day of March, in the year one thousand eight hundred and seventy-nine, on all spirits and tobacco, distilled, manufactured or made, or taken out of bond for consumption in Canada on or after the said day, and on all malt held by any brewer, maltster, distiller or other person on the said day, or manufactured or made thereafter; and any duty of Excise on beer shall be held to have been repealed on all beer manufactured or brewed on and after the thirteenth day of December, one thousand eight hundred and sixty-nine, wholly from malt on which a duty of excise has been paid or will be payable. 31 Vic., cap. 8, sec. 31, and 42 Vic., cap. 15, sec. 17.

On what quantities to have been levied.

11. The said duties shall accrue and be levied on the quantities made or manufactured, which may be ascertained in the manner herein provided or otherwise proved, and shall be in addition to all sums charged as license duties, whether on utensils or otherwise. 31 Vic., cap. 8, sec. 31.

To be duties within the

36. The said duties shall be in addition to all sums charged as license duties, and shall be duties within the

meaning of the *Act to provide for the better Auditing of the Public Accounts*, and shall form part of the Consolidated Revenue Fund of Canada. 31 Vic., cap. 8, s. 32. Audit Act, 41 V., c. 7.

OBLIGATIONS OF PERSONS HOLDING LICENSES.

37. No distiller, maltster, tobacco manufacturer or bonded manufacturer shall work his distillery, malt-house, tobacco manufactory or bonded manufactory at any time, unless he has given at least six days' previous notice in writing to the Collector of Inland Revenue, of his intention to work the same at some time not less than six nor more than twenty days after the giving of such notice; but having commenced to work the same within such time he may continue to work the same uninterruptedly without new notice,—but after any interruption of work for more than one week a new notice must be given. 31 Vic., cap. 8, sec. 33. Notice to Collector of intention to work at any time.

2. Any use made of any still, worm, mash-tub or fermenting-tun, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or for the distillation or rectification of any spirits, or for fermenting any beer or wash, or the making or commencing to make, or the importation of any such still, worm, rectifying or other apparatus shall be deemed to be a working of a distillery, and acting as a distiller, within the meaning of this Act. 40 Vic., cap. 12, sec. 5. What shall be deemed "working" a distillery.

3. Any use made of any cistern, couch-frame, malt-floor or kiln for the steeping, germinating or drying of any grain, shall be a working of a malt-house, and an acting as a maltster within the meaning of this Act. And as to malsters.

4. And if any distiller, maltster, tobacco manufacturer or bonded manufacturer works his distillery, malt-house, tobacco manufactory or bonded manufactory at any time for which he has not given notice of his intention to work the same, he shall for each day on which he so works such distillery, malt-house, tobacco manufactory or bonded manufactory, incur the same penalty and forfeiture as if he had worked the same without a license. 31 Vic., cap. 8, sec. 33. Penalty for working notice.

38. Every person licensed under this Act shall, at all times when required, supply any officer of Inland Revenue with all assistance, lights, ladders, tools, staging, or other thing necessary for inspecting the premises, stock, tools or apparatus belonging to such licensed person, or for weighing, gauging or testing any article or commodity then on the premises for which the license is granted, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels and other vessels, when required so to do by any officer of Inland Revenue. 31 Vic., cap 8, sec. 34. Assistance to be afforded to officer of Inland Revenue.

39. If any person or persons, holding a license under this Act, intends to make any alteration or addition to the premises, apparatus, machinery or utensils described as herein provided, or to remove any portion of such utensils, Notice of intention to alter apparatus to be given.

machinery or apparatus, notice in writing shall be served on the Collector of Inland Revenue of the intention to make such alterations, additions or removals, at least one week before they are commenced; and all such notices shall set forth fully and correctly the particulars of the proposed alterations, additions or removals 31 Vic., cap. 8, sec. 35.

Inspector may require new list of apparatus, &c

40. The Inspector of Inland Revenue may for sufficient cause, of which sufficiency he shall be the sole judge, at any time after having given ten days' notice, require a new list and description such as are herein required in an application for a license, to be made out and furnished by any party holding a license under this Act; and any party refusing to comply with such requisition, shall incur the same penalty as is provided for carrying on any business subject to Excise without license; and every such description shall be received as evidence in all courts of law. 31 Vic., cap. 8, sec. 36.

Designation of Apartments.

Inscription over entrance to premises subject to excise.

41. There shall be conspicuously placed over the chief entrance to every place or premises subject to Excise, or where any business subject to Excise is carried on, the name or names of the person or the name and style of the firm by whom such premises are occupied, or on whose behalf such business is carried on:

Size of letters.

2. The name so placed shall be written or printed in Roman characters at least three inches in height, in white letters on a black ground:

Inscription over entrance to each separate apartment.

3. Every separate apartment, room, granary, kiln, vault or storehouse, in every place or premises, subject to Excise, or in which any business subject to Excise is carried on, or in which is placed any utensil, apparatus or machinery, used in such business, shall have over the principal entrance thereto a notice in Roman characters at least two inches in height, stating the name and designation thereof, and the purpose to which it is applied or for which it is used:

To be subject to approval of Inland Revenue officer.

4. Every notice or written or printed designation or name of any person or persons, place or thing hereby required, shall be printed, painted, put up or affixed under and according to the direction of an officer of Inland Revenue, and at the expense of the party on whose behalf it is done. 31 Vic., cap. 8, sec. 37.

Books, Accounts and Papers.

Books to be kept by a distiller, and what to show.

42. Every person or party licensed as a distiller, shall keep a book or books in a form to be furnished from time to time by the Department of Inland Revenue, which books shall be opened at all reasonable hours to the inspection of the Collector of Inland Revenue or other proper officer, and wherein such distiller shall enter, from day to day:—

1st. The quantities of grain or other vegetable production, or other substance, put by him into the mash-tub, or otherwise used by him for the purpose of producing beer or wash, or consumed by him in any way for the purpose of producing spirits;

2nd. The quantity of beer or wash fermented or made by him or in his distillery;

3rd. The quantity of spirits by him distilled, manufactured or made;

4th. The hours during which his sills are worked on each day. 31 Vic., cap. 8, sec. 38.

Books to be kept by a mulster and what to show

43. Every person licensed to carry on business as a maltster, shall keep a book or books in a form to be furnished from time to time by the Department of Inland Revenue, and to be open at all seasonable hours to the Collector or other proper officer of Inland Revenue, wherein such maltster shall enter from day to day. 31 Vic., cap. 8, sec. 39.

1. The quantity by gauge and by weight of dry grain or leguminous seeds placed to steep or wet in any cistern or cisterns.

2. The quantity by gauge, and in pounds by weight, of malt taken from the kilns; and also such other particulars relative to quantity in the various stages of its manufacture as may be required by departmental regulations. 31 Vic., cap. 8, sec. 39, 37 Vic., cap. 8, s. 12, as amended by 40 Vic., cap. 12, s 12.

Stock-books by any party carrying on business subject to excise.

44. Every distiller, maltster, tobacco manufacturer, and bonded manufacturer who is required to take out license under this Act, or who carries on any business subject to Excise, shall further keep such stock-books and other books and in such form and manner as may be ordered and prescribed by regulations approved by the Minister of Inland Revenue;

What such books must show.

In which stock books there shall be clearly recorded, day by day, in the prescribed columns, a full and particular account of all grain, malt, spirits, raw and manufactured tobacco, and other stock, material, or commodity brought into the distillery, malt-house, tobacco manufactory, or bonded manufactory, to which such stock books relate, and also of all grain, spirits, malt, raw or manufactured tobacco, or other stock, material, or commodity, sold, removed, or transferred from such distillery, malt-house, tobacco manufactory, or bonded manufactory; together with snch further particulars as may be required by any departmental regulation in that behalf; stating in every case the name of the person from whom the same was bought or obtained, or to whom it was sold or transferred, as the case may be, and also that the mode of conveyance by which it was brought to the distillery, malt-house, tobacco manufactory, or bonded manufactory, or by which it was

carried therefrom ; and if any such grain, malt, spirits, manufactured or raw tobacco, or other stock, material, or commodity has been conveyed any vessel or railway to or from any port, wharf, or station, situated within a distance of ten miles from the distillery, malt-house, tobacco manufactory, or bonded manufactory, then such vessels or railway shall be named as the conveyance by which such grain, spirits, malt, tobacco, stock, material, or commodity was conveyed as aforesaid. 31 Vic., cap. 8, sec. 40.

Books to be produced to proper officers when required.

45. Every person who is licensed to carry on any business subject to Excise under this Act, shall, when required so to do, and as often as may be required by any officer of Inland Revenue, and at any time within ordinary business hours, or when any operation is being carried on within the premises licensed, produce for the inspection of any such officer,—

Office s may make entries.

1. All books, papers, and accounts kept in accordance with the requirements of this or any other Act, or in accordance with the requirements of any Order in Council or any Departmental regulation made under this or any other Act, in which books or accounts such officer may enter any memorandum, statement, or account of quantities, and in such case he shall attest the same by his initials;

Or take extracts therefrom.

2. All books, accounts, statements, and returns whatsoever, and all partnership accounts used by any such person, or by any co-partners in carrying on any such licensed business, whether such books, memorandums, papers or accounts be considered private or otherwise ; and every such officer shall be permitted to take any extracts therefrom or any copies thereof;

In case of seizure books may be seized and removed.

3. And in case of seizure of any article or thing in any distillery, malt-house, tobacco manufactory, or bonded manufactory, for contravention of this Act, the seizing officer, or any superior officer of Excise, may take possession of and remove all or any books, papers, or accounts kept under the requirements of this Act, or under the requirements of any Order in Council or any Departmental regulation made thereunder, and may retain the same until the seizure shall be declared valid by competent authority, or the article or thing seized or the proceeds thereof shall, by such authority, be directed to be restored. 31 Vic., cap. 8, sec. 41.

How quantities shall be stated except as to fluids.

46. Except as herein otherwise provided, every quantity of grain recorded or stated in their stock-books herein mentioned, and in all returns, descriptions, and statements required to be kept or made by this Act, and the quantity of every other article or commodity, except fluids, used in or about the premises subject to Excise, or entering in the manufacture of any article or commodity subject to Exoise, shall be stated in pounds avoirdupois. 31 Vic., cap. 8, sec. 42.

Quantities of fluids in gallons.

2. All quantities of fluids shall be stated in the aforesaid books, returns, statements and descriptions in gallons; and

the quantity of any fluid in gallons shall, for all the purposes of this Act, be determined by weighing or gauging, in such manner as may be, from time to time, prescribed by any Departmental regulation in that behalf. 37 Vic., cap. 8, sec. 10.

3. All beams, scales, weights and measures used in or about any distillery, malt-house, tobacco manufactory, or bonded manufactory, shall be inspected, tested and verified by an officer of Inland Revenue, or by an Inspector of Weights and Measures, as often as any Inspector of Inland Revenue or Excise may direct. 31 Vic., cap. 8, sec. 42. Weights and measures.

CLAUSES HAVING SPECIAL REFERENCES TO DISTITLERIES.

Charge of Duties on Spirits.

47. The duty upon spirits shall be charged and computed as follows:— How to be computed.

1. Upon the grain used for its production at the rate of one gallon of proof spirits for every twenty and four-tenths pounds.

2. Upon the quantity of beer or wash fermented or made in the distillery at the rate of one Imperial gallon of proof spirits for every fourteen gallons of beer or wash, to be Imperial. 31 Vic, cap. 8, sec. 43, as amended by 36 Vic., cap. 47, sec. 14.

3. Upon the quantity of beer or wash fermented or made in proportion to its alcoholic value;

4. Upon the quantity of spirits which passes from the tail of the worm into the close receivers;

5. Upon the quantity of spirits sold or removed from any distillery by the distiller, or by his agent or for his account;

And that method of computation which yields the greatest amount of revenue, shall, in all cases, be the one upon which the distiller shall pay the duty; Method giving most duty to be adopted.

Except that when any distiller is about to use damaged grain or mill offal, and shall give the proper officer one week's notice of his intention so to do, such officer shall specially inspect the beer or wash made from such grain or mill offal, and test its alcoholic value, and the quantity of such material which it contains, and if he reports that the yield of such damaged grain or mill offal is less than one gallon of proof spirits to twenty and four tenths pounds, the Minister of Inland Revenue may authorize the assessment of the duty on the highest quantity ascertained by any of the other methods, without reference to the quantity of damaged grain or mill offal used by the distiller. 31 Vic, cap. 8, sec. 43, as amended by 36 Vic., cap. 47, sec. 14. Provision when damaged grain or mill offal is to be used.

Computing duty under s. 47.

48. For the purpose of computing the duty by the methods prescribed in the next preceding section:—

On the quantity of grain.

1. The quantity of grain shall be the quantity actually weighed in the mashes and recorded in the books kept under the requirements of this Act; except that whenever the Inspector of Inland Revenue shall have cause to doubt the correctness of the quantity so entered on the said books, he may cause an inquiry to be made by an inspecting officer of Inland Revenue, who may swear and examine parties and witnesses under oath, or he may himself in like manner enquire as to the quantity of grain taken to the distillery in which such books are kept, and as to the quantity of grain removed therefrom, and generally into the matter referred to, and shall determine as nearly as may be the actual quantity of grain consumed in the distillery; and the duty may be assessed and levied on the quantity of grain so determined, in the proportion of one gallon of proof spirits to every twenty and four tenths pounds of grain;

On the quantity of beer or wash.

2. The quantity of beer or wash fermented or made in the distillery shall be determined by the distiller, or as often as may be directed by any departmental regulation in that behalf, by an Officer of Inland Revenue who shall guage the quantity in the fermenting tuns at the time when the fermentation has been completed, or when the beer is in a fit state for distillation; and the quantities so determined shall be recorded by the distiller, or by the Officer of Inland Revenue as the case may be, in a register of fermentation under such regulations as the Department of Inland Revenue may order; except that whenever the Inspector of Inland Revenue may have cause to doubt the correctness of the quantity entered into the said register of fermentation, he may enquire, or cause an enquiry to be made in the manner above provided, as to the capacity of the fermenting tuns used in the distillery, the frequency with which they have been used, and the quantity of beer or wash, from time to time fermented therein; and the duty may be assessed and collected in the proportion of one gallon of proof spirits for every sixteen and eight-tenths gallons of beer or wash determined by such Inspecting Officer, after such enquiry, to have been fermented in the distillery;

Inquiry in case of doubt

Assessing duty.

Ascertaining alcoholic value of beer or wash.

3. The alcoholic value of any beer or wash made in any distillery may be determined by any Inspecting Officer of Inland Revenue or by any Collector of Inland Revenue, who, as often as he may deem it to be necessary, but not more frequently than once in each day, may take out of any beer or wash then in the distillery a quantity not exceeding twenty-eight gallons, as a sample, which he may distil or cause to be distilled, for the purpose of any computation under this Act, and he may calculate the value or strength of the beer or wash used in that distillery according to the result ascertained from the sample so taken; or—

Testing strength of beer or wash.

He may at any time test the strength of any beer or wash then in the distillery, by its attenuation or by running a

portion thereof not exceeding the contents of any one fermenting tun, through the stills, in the ordinary course of working such distillery, and may require the ordinary operatives of such distillery to do the work, or may introduce other operatives into the distillery for that purpose : and for the purpose of any such computation as aforesaid he may calculate the alcoholic value or strength of the beer or wash used in that distillery according to the result ascertained from the portion of such beer or wash so distilled, and the alcoholic value of the beer or wash as determined by either of the above methods may be applied to or used in the computation and charge of duty on the beer or wash made in that distillery ;

Quantity of spirits passing into close receivers.

4. The quantity of spirits which passes from the tail of the worm into the close receivers shall be ascertained and determined by guaging the quantity and testing the strength thereof in such manner, at such periods and by such means, as may, from time to time, be directed by any departmental regulation in that behalf.

Ascertaining quantity of spirits sold or removed from distillery.

5. The quantity of spirits sold or removed from any distillery by the distiller shall be the quantity recorded in the distillery stock books kept under the provisions of this Act :— Except that whenever the Inspector of Inland Revenue shall have cause to doubt the correctness of the quantity so recorded, he may enquire, or cause an enquiry to be made in the manner above provided, as to the quantity of spirits sold by the distiller or by his agent or for his account, and as to the quantity removed from the distillery by any agency or vehicle whatsoever, and also as to the quantity of duty paid spirits brought into the distillery ; and for the purpose of such enquiry all shipping notes or bills of lading signed by the distiller or by his agent shall be taken as evidence of the sale or removal by him from his distillery of the quantity therein specified, and the evidence on oath of any railway clerk, station-master or agent, or of any warehouseman or common carrier or shipping agent, as to the truth of the accounts kept by him of shipments or removals of spirits by any distiller, shall be sufficient evidence of the truth of such accounts ; and the evidence on oath of any person who has purchased any spirits from a distiller or from his agent, shall be taken as evidence that the spirits so bought were manufactured at the distillery of the distiller selling the same, unless the contrary is shewn ; and all packages of spirits not otherwise described in the accounts or shipping notes or bills of lading relating thereto, or proven to contain some greater or less quantity, shall be reckoned as puncheons containing each one hundred and seventy-seven gallons of proof spirits ; and the difference between the quantity shewn by such enquiry to have been sold by the distiller or removed from his distillery, and the quantity of duty paid spirits brought into the distillery, shall be held to be the quantity liable to duty under this Act ;

Inquiry in case of doubt.

Computation of result.

Period to which inquiries may extend, provision if more duty is found to be payable.

6. The enquiries of the Inspecting Officer or Collector of Inland Revenue as herein provided, may be made for any period not more than one year before the time when the enquiry is commenced ; and if it is found that during the said period the returns have been made for, and the duty charged on a less quantity of spirits than is ascertained and determined by the result of such enquiry, the additional duty then determined shall become due and payable within five days after the distiller has been notified of the result of such enquiry, and the payment of such additional duty shall be enforced in the same manner, and under the same conditions and penalties as the payment of the duty mentioned in the semi-monthly returns ;

Onus of proof that the officer is wrong.

7. If the determination of the officer under any provision of this Act be disputed, the proof of the error or wrong shall rest with the party alleging it. 31 Vic.. cap. 8, sec. 44, as amended by 36 Vic., cap. 47, s. 14.

Vessels to be accurately guaged over a year.

49. On or before the tenth day of July in each year, the capacity of all spirit receivers, fermenting tuns, mash tubs, coolers and other vessels used in or about distilleries, shall be accurately ascertained by gauging or by actual measurement by standard measures of capacity, as the Officer of Excise may determine or direct ; and—

List to be made, particulars.

2. A correct list thereof shall be made out, by the distiller, in triplicate, setting forth the number, use, dimensions and capacity of every such vessel, and the said list shall be attested by the signature of the distiller, and shall be subject to the verification and approval of the officer of Excise under whose supervision the gauging or measurement was made, and when signed by him in testimony of such approval, every such list shall be received as evidence in all Courts of Law ;

Proviso for correction.

Provided always, that every such list may at any time be revised by any superior officer, and corrected should any errors be found therein.

Triplicate of lists to be kept.

3. One counterpart of such list shall be kept on record at the distillery, another at the Department of Inland Revenue, and the third shall be retained by the Collector of Inland Revenue within whose district or division the distillery is situated. 31 Vic., cap. 8, sec. 45.

Certain apparatus to be constructed according to departmental regulations.

50. The spirit receiver, doubler, low wines receiver, faints receiver, the safe or apparatus enclosing the tail of the worm or still,—and

2. Every pump used for removing any spirit, wash, or other matter to or from any vessel, or from one vessel to another, and every lock pipe, valve, duct, conduit, cock or connexion used for securing, leading to or from, or between, or for giving access to any of the vessels herein mentioned or referred to,—and

3. Every valve, pipe, cock, guage, pump, lock or other apparatus, utensil, appliance or arrangement for securing, gauging, ascertaining, testing or proving the quantity or strength of any spirit, wash or worts manufactured or distilled, or for preventing the undue abstraction of any such spirits, wash or worts—shall be constructed, arranged and applied at the cost of the distiller, in accordance with such plans, designs, drawings, and regulations, and of such materials as may be, from time to time, approved by the Department of Inland Revenue;

Capacity of certain vessels to be marked thereon.

4. Every mash-tub, fermenting-tun, spirit-receiver, cooler tank, vat or other utensil or vessel, for using which a license is required, or which is used for containing or holding any commodity subject to Excise, shall have written, stamped or printed on it in white Roman characters at least two inches in height, on a black ground, the name or designation of the vessel or utensil and the contents thereof in gallons and in cubic inches;

Pipes and conduits to be colored.

5. Every pipe, trough or conduit, used for the conveyance of spirits, shall be colored a *light blue* ;

Water.

6. Every pipe, trough or conduit, used for the conveyance of water, shall be painted or colored *white* ; and

Beer or wash.

7. Every pipe, trough or conduit for the conveyance of beer or wash shall be colored *red*. 31 Vic., cap. 8, sec. 46.

Casks how to be marked.

51. On both heads of every rolling cask used in any distillery, or for keeping or delivering out any spirits, there shall, at all times, be legibly cut, branded, or painted in oil colours, the name of the distiller, with the true contents of the cask in gallons. 31 Vic., cap. 8, sec. 47.

Tails of worms to be in locked up safes.

52. The tail of every worm in every distillery shall be enclosed in a locked or sealed "safe," or other suitable apparatus in which the strength of the spirit and low wines flowing from the worm may be approximately ascertained by the inspection of the hydrometer or other suitable instruments contained therein :

Safes subject to approval.

1. Every such safe shall be constructed in such a manner and secured by such means and by such mechanism as may be approved by the Department of Inland Revenue.

Communication from worm to doubler or receiver.

3. From the said closed safe or apparatus all low wines, faints and spirits, from time to time running from the end of the worm, shall be conveyed to the doubler or spirit-receiver, as the case may be, through suitable pipes of such metal as may be required by departmental regulations, visible throughout the whole of their length, with stop cocks and other appliances so arranged that the liquid may be conveyed either to the doubler or to the receiver ; but so that no portion of the liquid can be abstracted or diverted from the receiver or doubler without the knowledge and consent of the proper officer. 31 Vic., cap. 8, sec. 48.

Certain distilleries must have two receivers capacity of each.

53. In distilleries where the weekly production of spirits is not over six thousand gallons, spirit receivers shall be provided, each of which shall have sufficient capacity to contain at least one week's production of spirit ;

The same in larger distilleries.

2. In distilleries where the weekly production of spirits exceed six thousand gallons, there shall also be two spirit-receivers, each of which shall have sufficient capacity to contain at least one day's production ;

Gauging spirits produced.

3. The quantities of spirits produced shall be gauged and ascertained by the Officer of Excise at such intervals as may be directed by his inspecting officer. 31 Vic., cap. 8, sec. 49.

Spirit not to be removed until guaged, 5.

54. The spirit which passes from the tail of the worm to the receiver shall not be removed from the receiver until the quantity and strength thereof has been ascertained by the Collector of Inland Revenue or other officer, and then only with the consent and in the presence of the said collector or other proper officer. 31 Vic., cap. 8, sec. 50.

Receiver to be a close vessel and locked.

55. The spirit receiver shall be a closed vessel, and all pipes, cocks or valves communicating therewith, as well as all means of access thereto, shall be securely locked or sealed, and the key or keys shall remain in the sole possession of the Collector of Inland Revenue or other proper officer. 31 Vic., cap. 8, sec. 51.

No perforation allowed in receiver.

56. No vessel shall be used as a close receiver for spirits in which there has been bored or made any perforation or aperture other than those necessary for its lawful use ; and if at any time it shall be discovered that any perforation, aperture or hole has been made in such receiver, or that any such exists therein, although it may have been stopped or plugged, the existence of such perforation, aparture or hole, plugged or unplugged, shall be evidence that it has been unlawfully made and used. 31 Vic., cap. 8, sec. 52.

Proportion of diameter to productive power of distillery.

57. The internal diameter of every spirit receiver shall be so proportioned to the productive capacity of the distillery wherein it is placed, that the products of one day's work will measure in the receiver at least twenty-four inches in depth.

Space for examination to be left around apparatus.

2. Around, above and below every close receiver and every apparatus used for gauging or testing the strength of spirits, and every safe or apparatus used for inclosing or guarding the tail of the worm, and around and above every fermenting tun, still, charger, beer pump, or spirit pump, there shall be sufficient space to admit of a full and careful examination of every such vessel or apparatus, with the contents thereof, and there shall be sufficient light for the purpose of such inspection ;

Beer reservoir how placed, &c.

3. The beer reservoir in every distillery shall be so placed that it and every pipe, trough, hose or conduit leading into or from it may be fully seen and examined ; and no pipes,

troughs, conduits or hose for the passage of any water, spirit, wash or other fluid, shall be placed near to any such beer reservoir, or so that any fluid whatever can be run into it, except within the knowledge of the officer in charge.

Penalty for non-compliance with these provisions.

4. Any failure to comply with the requirements or provisions of this section, after one month's notice has been given of such default, shall be sufficient cause for cancelling any license granted to the distiller so in default, and no further license shall be granted for distilling within the premises wherein such default has occurred, until all the requirements of this and the preceding section have been fully complied with. 31 Vic., cap. 8, sec. 53.

Certain apparatus in distillery not working to be locked up.

58. In every distillery which is not working, all the furnace doors, worms, still heads, and doublers, with all pipes and cocks leading to or connecting with the same, shall be closed and locked or sealed in such manner as the Collector of Inland Revenue or the Inspecting Officer may require or direct; and the absence from any furnace door, still head, worm, doubler or cock, of the locks or seals herein required, shall subject the distiller in whose distillery the default has occurred, to the same penalties as he would be liable to for working without a license: Provided always, that whenever it becomes necessary to execute any repairs to any of the apparatus herein mentioned, the locks and seals may be removed by a proper Officer of Inland Revenue, to such extent as may be actually necessary for the performance of such repairs, and during the period they are actually in progress. 31 Vic., cap. 8, s. 54.

Proviso as to repairs.

Safes in stores &c., how provided and paid for.

59. All safes, meters, locks or seals which are by this Act required to be used, or which may be required to be used by any departmental regulation or Order in Council issued by virtue of this Act, shall be supplied by the Department of Inland Revenue, under such regulations of the Department as may be adopted in that behalf; but the cost thereof shall be borne and discharged by the distiller, for whose premises or utensils they are provided. 31 Vic., cap. 8, s. 55.

Certain apparatus for distilling low wines or to be locked and sealed.

60. In distilleries where a doubler is used or where a portion of the products of the still, commonly called *low wines* or faints, are passed over for redistillation, the vessels and pipes used in that process shall be locked or sealed and shall receive the low wines from the safe or apparatus which encloses the tail of the worm, through metal pipes, cocks or valves properly secured by locks or seals so as to prevent the running or removal of any liquid therefrom, except with the knowledge and concurrence of the proper officer. 31 Vic., cap. 8, s. 56.

CLAUSES HAVING SPECIAL REFERENCE TO MALT HOUSES AND MALTING.

Weighing grain.

61. All grain brought into any malt house shall be weighed and the quantity shall be stated in all books, returns and accounts made under this Act in centals and parts of a cental;

Malt measure established.

2. For the purpose of comparing the several gauges of grain required by this Act, a "malt measure" is hereby established, which shall be a vessel whose capacity is one thousand cubic inches;

Grain in steep.

3. The quantity of grain placed in steep in any malt house shall be stated in centals and in malt measures;

Statement to be in malt measures.

4. All the quantities of grain in process of conversion into malt, as determined by gauging, shall, until the process of malting is completed, be stated in malt measures;

Quantity of malt removed from the kiln.

5. The quantity of malt removed from any kiln and chargeable with duty, shall be the quantity determined by gauging and weighing, and shall be stated in all books and returns made under this Act in malt measures and centals. 40 Vic., cap. 12, s. 13.

Shape of cisterns.

62. Every cistern shall be made with its interior truly cylindrical, or it shall be a rectangular vessel, having its bottom truly even and its sides perfectly straight and perpendicular (but the bottom may have such an incline as is necessary for drip), or shall be of such other shapes as may be approved by the Governor in Council. 31 Vic., cap. 8, s. 58.

Construction of couch-frames.

63. Every couch-frame shall be constructed with the sides and bottom straight and at right angles with each other, and of such strength that they will preserve their true form when the frame is filled with grain. 31 Vic., cap. 8, s. 59.

Space to be left round either.

64. Above and around every such cistern or couch-frame, there shall be sufficient space for conveniently gauging their contents, and they shall be so placed that there shall be sufficient light for that purpose and for examining the contents. 31 Vic., cap. 8, s. 60.

How grain shall be deposited on the malt-floor

65. The maltster shall in all cases, when required so to do by any officer of Inland Revenue, deposit the grain in process of manufacture into malt on the malt-floor, of an equal depth over the whole surface covered, and shall make the outward edges thereof in straight lines convenient for gauging, as may be required by the officer aforesaid. 31 Vic., cap. 8, s. 61.

As to steeping or moving grain

66. No grain shall be placed in any cistern to steep or wet nor shall any malt be placed in any kiln to be dried, nor moved from any such kiln after the drying is completed, except between the hours of eight o'clock in the morning and five o'clock in the afternoon. 31 Vic., cap. 8, s. 62.

Notice of intent to steep grain.

67. Whenever any maltster is about to place any grain or other commodity in the cistern, to be steeped for the making of malt, he shall first give the proper officer, when the malt-house is within a city or town, twenty-four hours' notice, or if not within a city or town, forty-eight hours' notice of his intention to steep grain as aforesaid, stating in every such notice the day and hour at which he will place the grain in the cistern, the quantity of grain which he will then place

in such cistern, and describing the cistern, by number or otherwise, in which it is to be placed. 31 Vic., cap. 8, s. 63.

Notice of intent to dry grain or move dry malt.

68. Whenever any maltster is about to place any grain or other commodity then in process of manufacture into malt, on any kiln, to be dried, or when he is about to move any dried malt from any such kiln, he shall notify the proper officer of his intention so to do, in the same manner as is provided in the next preceding section ; and the notices required to be given by this and the next preceding section, shall be in writing, and in such form as may be, from time to time, required by departmental regulations. 31 Vic , cap. 8, s. 64.

Computation of duty on malt.

69. The charge of duty on malt shall be computed as follows :—

Gauging before wetting.

1. The grain or other commodity when about to be placed in steep, shall, after it is placed in the cistern and before being wetted, be carefully gauged by the proper officer of Inland Revenue : and the quantity so ascertained shall be immediately entered by the person who gauges it, in a book provided for that purpose, and such person shall also attest the correctness of the entry by his signature ;

Afterwetting.

2. The proper officer shall also gauge the grain or other commodity while in the cistern after it has been wetted, while in the couch-frame and while on the malt-floor, and also at such other periods during its manufacture as may be directed by Departmental regulation, and the results of such gauging shall be entered in the book provided for that purpose by the person who gauges the quantities, and shall be used for computing the quantity of malt manufactured as herein provided.

Gauging and weighing malt when dried.

3. The quantity of malt taken from the kiln after it has been dried, and the process of manufacture completed, shall be gauged and weighed by or in the persence of the proper officer of Excise, and the quantity so ascertained shall be immediately entered in the book or books provided for that purpose, both in pounds and in measures by the person who gauges it, who shall attest every such entry by his signature. 31 Vic. cap. 8, s. 65, as amended by 37 Vic., cap. 8, s. 12.

Basis of calculation for comparing results of gauging and computations

70. In comparing the results of the gaugings and computations made, as herein provided, the following proportions shall form the basis of calculation :—

1. One hundred measures by gauge of dry barley shall be held to be equivalent to one hundred and seven measures by gauge of dry malt ;

2. Eighty-one and a half measures by gauge of dry barley shall be held to be equivalent to one hundred measures (by gauge) of barley properly saturated with water for the purpose of malting ;

3. One hundred measures gauged in the cistern, after the saturation is completed, or in the couch-frame, shall be held to be equal to one hundred and sixty-three measures gauged on the floor. 31 Vic., cap. 8, s. 66, as amended by 37 Vic., cap. 8, s. 11.

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 gauge of malt. 39 Vic., cap. 5, s. 1.

(*a.*) One hundred pounds of barley or other grain weighed into the cistern shall be held to be equal to not less than seventy-five pounds of malt taken from the kiln. And so in proportion for every greater or less quantity.

Mode of calculating duty.

5. The principal gauge and weight whereby the duty shall be computed, shall be that of the malt on its removal from the kiln; but whenever the quantity computed from any other gauging or weighing, or series of gaugings or weighings, is greater than the final gauge of the malt, then that computation which yields the largest quantity shall be the quantity for duty; and whenever the difference between the results of any two sets of gaugings or weighings, taken as aforesaid, exceeds seven per cent., the return of the quantity of grain placed in steep shall be deemed to have been a fraudulent return, and the maltster shall be liable to all the penalties for making fraudulent or false returns. 40 Vic., cap. 12, s. 14.

Weight of malt how to be ascertained and stated.

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 gauge, 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. 39 Vict., cap. 5, s. 2.

Doubts how to be decided.

71. If at any time any doubt or question arises as to the manner of determining the quantity of malt liable to duty under this Act, such doubt or question shall be decided and determined by the Minister of Inland Revenue, whose decision shall be final and conclusive. 31 Vic., cap. 8, s. 67.

Removal of dried malt.

72. So soon as any malt is dried and ready for removal from the kiln, and the required notice of such removal duly given, the said malt shall be removed to the malt-warehouse and shall be then stored under the locks of the owner thereof, and the locks of the Crown until the duty thereon has been paid. 31 Vic., cap. 8, s. 68.

73. For the storage of malt on which the duty has not been paid, every maltster shall, at his own charge, provide a suitable warehouse, subject to the survey of the proper officer of Inland Revenue, and every entrance to such warehouse, as well as every window or other mode of access thereto, shall be secured to the satisfaction of such surveying officer, and also to the satisfaction of the inspecting officers. 31 Vic., cap. 8, s. 69. Storage of malt until duty is paid.

74. Every principal entrance to the malt-warehouse shall be secured by two locks, one of which shall be supplied by the Department of Inland Revenue, and the key thereof shall be kept by the officer of Inland Revenue, the other lock shall be provided by the owner, and all other entrances shall be secured on the inside and; every such malt-house shall be fitted up with such convenient bins or other compartments for storing the malt as may be required by the officer of Inland Revenue, so that it may at any time be gauged and the stock taken. 31 Vic., cap. 8, s. 70. Securing malt warehouses.

75. Whenever any maltster ceases from working his malt-house, the doors, windows, and all other means of access thereto, shall be closed and secured to the satisfaction of the proper officer of Inland Revenue, and the principal entrance shall be secured by a Crown's lock, the key whereof shall remain in the possession of the Collector of Inland Revenue; and the malt-house shall remain so closed and secured until the maltster gives the required notice of his intention to resume working; provided always, that the Collector of Inland Revenue may, in his discretion, remove the locks while repairs are necessarily and actually in progress. 31 Vic., cap. 8, s. 71. The save as to malt-houses. Proviso.

76. The duty herein imposed upon malt shall be finally computed and charged when it is removed from the kiln, and an account thereof shall then be entered in the stock books kept under this Act, which shall be balanced on the first day of each half month for the half month next preceding that day, but the duty shall be collected whenever any malt is taken from the malt-warehouse for consumption or removal; and the duty shall in all cases be collected on the full quantity of malt entered on the warehouse books as having been placed in such warehouse, notwithstanding any deficiency that may arise or be discovered during its delivery or removal therefrom. 31 Vic., cap. 8, s. 72. Final computation of duty.

77. An account shall also be kept in such other form as may be required by departmental regulation, of all malt placed in the malt-warehouse, and all malt removed therefrom; and the account shall be taken and recorded at the time of placing such malt in the malt-warehouse, and at the time of removing it therefrom, in a book or books to be kept for that purpose, in such form as may be required by any departmental regulations made in that behalf. 31 Vic. cap. 8, s. 73. Account to be kept in any required form.

CLAUSES HAVING SPECIAL REFERENCE TO TOBACCO MANUFACTURERS.

Raw tobacco to be imported at certain ports only.

78. Raw or leaf tobacco shall not be imported into Canada except at the undermentioned ports, namely: Halifax, St. John in New Brunswick, Miramichi, Quebec, Montreal, St. John's in the District of Iberville, Prescott, Kingston, Toronto, Hamilton, Clifton, Sarnia, Windsor and London, and at such other ports of entry as the Governor in Council may authorize. 31 Vic., cap. 51, s. 1.

Such tobacco to be bonded.

79. All raw or leaf tobacco imported shall be bonded at one or other of the above named ports of entry, in a Customs Warehouse which shall be subject to the approval of the Collector of Customs at the port of entry. 31 Vic., cap. 51, s. 2.

Packages included in return and on which duty has been said or secured to be stamped by Collector.

80. Every package of raw and manufactured tobacco imported into Canada shall be stamped at the port where it enters the Dominion, and every package, box, case, jar, canister, or parcel of tobacco manufactured in Canada and included in any return made to the Collector of Inland Revenue under the requirements of this Act, and upon which the duty has been paid or secured to the Collector by the party making such return, shall be forthwith stamped, by the Collector, in accordance with such regulations as may be, from time to time, adopted by the Minister of Inland Revenue; and it shall be the duty of every Collector of Customs or Inland Revenue, as the case may be, to stamp, in the manner required, all packages, boxes or parcels upon which he has received duty, or upon which the duty has been secured.

Empty packages with stamps not allowed in tobacco manufactories.

2. No empty or partly filled package, box, jar, canister' barrel or bag of a description such as is used for packing tobacco, cigars or snuff, and having attached to it any stamp or part of a stamp, whether such stamp has been defaced or not, shall be brought into, or remain in any tobacco manufactory. 31 Vic., cap. 8, s. 74.

Tobacco grown in Canada to be bonded &c., if removed from the place of growth

81. All tobacco grown in Canada and prepared for sale, shall when it passes out of the possession of the occupant of the farm or premises upon which it was grown, be carried directly to and deposited either in a licensed tobacco manufactory, and entered in the stock book of the manufacturer, or it shall be bonded in a tobacco warehouse in the same manner and under the same conditions as are herein provided with

Exception.

respect to raw tobacco imported from abroad, except such as may be sold to a dealer in tobacco licensed as herein provided, and having a permit to receive such tobacco, and having paid the duty thereon. 31 Vic., cap. 51, s. 3.

Forfeiture of packages unstamped.

82. Any package of tobacco which shall be exposed or offered for sale or be found in the market without being or having been sealed, stamped, labelled or marked as herein required, shall be deemed to be tobacco unlawfully in the market. 31 Vic., cap. 8, sec. 75.

83. All raw or leaf tobacco, whether imported or grown in Canada, may be taken for consumption out of bond or from the farm or premises upon which it was grown, by a dealer in tobacco duly licensed for that purpose under regulations to be made by the Governor in Council, and upon payment of the same duty which would be payable thereon if it had been manufactured and taken out of bond for consumption in Canada 31 Vic., cap. 51, s. 4.

Raw tobacco may be taken by a licensed dealer under regulations.

84. The bond taken for tobacco warehoused as herein required shall be for a sum equal to fifteen cents per pound on the tobacco to which it relates, and shall be conditioned for the delivery of the raw or leaf tobacco to which it relates, to some one or more tobacco manufacturers duly licensed as such under any Act relating to the Inland Revenue, or for the delivery of such tobacco to a dealer in tobacco licensed under this Act, on a proper permit, and the payment of the duty thereon by such dealer, or for its exportation or destruction as herein required; and the evidence of its delivery to a licensed tobacco manufacturer shall be the certificate of a Collector of Inland Revenue, that the tobacco has been delivered into some certain licensed tobacco manufactory or manufactories therein named, and that an account thereof has been entered in the manufacturer's books, as required by law. 31 Vic, cap. 51, s. 5.

Conditions of the bond on tobacco warehoused.

Evidence of compliance with the bond.

85. Tobacco warehoused as herein provided, may remain in warehouse for a period of two years, at the expiration of which period, or sooner, it shall either be removed to and entered in some licensed tobacco manufactory or manufactories as herein provided, or taken out by a licensed dealer, or entered for exportation, or at the expiration of such period it shall be destroyed under such regulations as may be made in that behalf by competent authority. 31 Vic., cap. 51, s. 6.

How long to remain bonded.

86. All stems, sweepings, or other waste or refuse tobacco, whether the same be found in a tobacco manufactory or elsewhere, and which are not worked up and charged at some manufactory with duty, shall also be destroyed under regulations as above provided, or entered for exporation. 31 Vic, cap. 51, s. 7.

Tobacco sweepings and stems.

87. All raw or leaf tobacco imported or brought into Canada at any port or place other than at the ports of entry herein named, shall be seized by any officer of Customs or Excise having a knowledge thereof, and shall be and remain forfeited to the Crown. 31 Vic., cap. 51, s. 8.

Forfeiture if imported unlawfully.

88. All imported raw or leaf tobacco not bonded as herein required, and in the possession of any person except a licensed tobacco manufacturer,—

And all raw or leaf tobacco grown in Canada not bonded as herein required and removed from the farm or premises whereon it was grown, and in the possession of any person other than a licensed tobacco manufacturer, or of a licensed dealer who has obtained a permit to take such tobacco out of

And of tobacco grown in Canada in certain cases.

bond or from the farm or premises whereon it was grown, except only for the purpose of carrying it directly to some licensed tobacco manufactory or to a tobacco warehouse, the proof whereof shall lie upon the person having possession thereof—

Seizure and forfeiture.

Shall be seized by any officer of Cestoms or Excise having a knowledge thereof, and shall be and remain forfeited to the Crown,—

Exception.

Except only that any person may have in his possession for his own use or consumption, not exceeding ten pounds of raw or leaf tobacco, purchased from a licensed dealer, and on which the duty hereby imposed has been paid, the proof whereof shall lie on such person. 31 Vic., cap. 51, s. 9.

Governor in Council may make regulations as to warehousing, &c.

89. The Governor in Council may make such regulations for warehousing raw or leaf tobacco, for destroying such as is not entered for exportation or manufacture, for bonding and taking an account of all raw or leaf tobacco heretofore imported or grown in Canada, for removing raw or leaf tobacco from one warehouse to another, for causing accounts to be kept by tobacco manufacturers or others of raw or leaf tobacco received by them, for determining the quantity of manufactured tobacco, snuff or cigars, which shall, in any case or set of cases, be deemed equivalent to one hundred pounds of raw leaf, for the granting of licenses to persons to deal in raw or leaf tobacco, and permits to such persons to take such tobacco out of bond or from the grower, but without fee for either, and generally for giving effect to the provisions of this Act as to him may seem necessary. 31 Vic., cap. 51, s. 10.

Manufacturer to provide means of weighing and stamping, &c.

90. Every manufacturer of tobacco shall provide for the use of the Collector of Inland Revenue, all necessary means, tools and apparatus for weighing and stamping the products of his manufactory (except dies or stamps), and also a convenient place wherein such process of stamping may be performed. 31 Vic., cap. 8, s. 76.

TIME AND FORM OF RETURNS AND PAYMENT OF DUTIES.

Month divided into two parts.

91. For the purposes of this Act, every month in each year shall be divided into the first and second half of the month :

2. The first half shall be from the first to the fifteenth day of each month, both inclusive, and

3. The second half shall be from the sixteenth to the last day of each month, both inclusive. 31 Vic., cap. 8, s. 77.

Return for each half month.

92. All returns, unless when otherwise provided by this Act, shall be made distinct and separate for each half of every month. 31 Vic , cap. 8, s. 78.

Time for making returns.

93. All returns as to quantities required to be made by this Act, shall be made on the first and sixteenth days of

each month for the half month next preceding such days.

Computation of duty.

" And the duty exigible on any article made during any half month, shall be computed at the rate of duty to which it is or may be liable on the day upon which the return respecting it is required to be made : and no excisable article shall be removed from the place in which it is made until an account of it has been included in the return herein mentioned, unless such removal is permitted by some general regulation made by the Department of Inland Revenue in that behalf" 31 Vic., cap, 8, sec. 79, as amended by 37 Vic., cap. 8, s. 11.

Removal of goods prohibited before return.

Accounts to be presented to Collector and what they must show.

94. Every person carrying on any business subject to Excise shall render to the Collector of Inland Revenue, or other officer whose duty it is to receive the same, a just and true account in writing extracted from the books kept as herein provided ;

As to distilleries.

Which accounts as to distilleries shall exhibit :—

1. The quantity of spirits produced according to each gauge and test taken during the preceding half month, with the strength thereof ; and in a separate column, the equivalent quantiy of spirits of the strength of proof;

2. The quantity of grain, malt, spirits, beer or wash or other commodity brought into the distillery during the preceding half month ;

3. The quantity of each kind of grain or other commodity or substance used in the distillery, in the manufacturing of spirits during the preceding half month ;

4. The quantity of grain malted ;

5. The quantity of grain, malt or other commodity removed from the distillery, or disposed of otherwise than for distiltation during the preceding half month ;

6. The quantity of spirits sold or removed from the distillery during the preceding half month ;

7. The number and denomination of packages, and the quantity in each, of spirits received into the distillery during the preceding half month, other than that manufactured therein ;

8. The quantity of beer or wash made and set to ferment on each day of the preceding half month :

9. The quantity of beer or wash fermented and distilled on each day of the preceding half month ;

10. The quantity of spirits entered for warehouse or,—

11. Entered ex-warehouse during the preceding half month. 31 Vic., cap. 8, s. 80.

Further details as to distilleries.

12. The number of stills, worms, rectifying or other apparatus, or part thereof suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, imported, made or in process of manufacture in such distillery, or by such distiller, showing with reference to each—

(*a.*) The capacity of each apparatus or part thereof;

(*b.*) The name and residence of the person for whom such apparatus or part thereof is imported or made or in process of being imported or made ;

(*c.*) The time at which every such apparatus or part thereof is to be imported or made;

(*d.*) The date at which such apparatus or part thereof has been or is to be removed from the distillery ;

(*e.*) The material of which such apparatus is or is to be made ; 31 Vic., cap. 8, sec. 80, as amended by 40 Vic., cap. 12, s. 6.

As to malt-houses.

And as to Malt-houses such account shall exhibit —

1. The quantity of grain, malt, leguminous seeds or other commodity brought into the malt-house during the preceding half month ;

2. The quantity of grain or other commodity placed in steep or wetted or used for malting on each day during the preceding half month ; 31 Vic., cap. 8, part of s. 80.

3. The quantity of malt in measures and pounds malted or made and removed from the kiln on each day during the preceding half month. 31 Vic., cap. 8, sec. 80, as amended by 37 Vic., cap. 8, s. 12, as to "*bushels.*"

4. The quantity of grain or other commodity removed from the malt-house, or disposed of otherwise than for the production of malt, during the preceding half month ;

As to breweries.

And as to Breweries, such account shall exhibit—

1. The quantity of malt and of each description of vegetable or saccharine matter used in the brewery ;

2. The quantity of beer or other fermented liquor made in the brewery ;

As to tobacco manufactories.

And as to Tobacco Manufactories, such account shall exhibit—

1. The quantity of raw tobacco and of all other material used in the manufacture of tobacco, brought into the manufactory during the preceding half month ;

2. The quantity of all raw tobacco and other material removed from the manufactory or disposed of otherwise than for the production of manufactured tobacco during the preceding half month ;

3. The quantity of raw tobacco and the quantity of all other material used in the manufacture of tobacco during the preceding half month in the manufactory to which such return relates ;

4. The quantity of each description of tobacco, snuff or cigars manufactured in such manufactory during the preceding half month, shewing the number of packages, the description and the weight and quantity of each package, or the weight in bulk ;

5. The quantity of unmanufactured and manufactured tobacco on hand :

And as to Bonded Manufactories such account shall exhibit— As to bonded manufactories.

1. The quantity of each description of article or commodity brought into the manufactory to which the account relates, on each day during the preceding half month ;

2. The quantity of each description of article or commodity used in the production of the manufactured articles made in the manufactory on each day during the proceding half month ;

3. The quantity of each description of article or commodity removed from the manufactory, or disposed of otherwise than for the production of the articles therein manufactured or made during the preceding half month ;

4. The quantity of each description of manufactured article or commodity made or produced on each day during the preceding half month. 31 Vic., cap. 8, sec. 80.

95. Every such statement shall be made for and relate to the half month next preceding the day on which it is made. 31 Vic., cap. 8, sec. 81. To be made for each half month.

96. Every account or return rendered as herein provided shall be made and signed by the person carrying on the business to which it relates, or his agent, and shall also be signed by the foreman, clerk, chief workman or other person employed in or about the premises where the business is carried on ; and the Collector or any superior officer of Inland Revenue may, at any time after the making of such account or return, require any other person employed about such premises, who, in his opinion, may be best acquainted with the amount of goods produced, subject to excise, to testify upon oath before him as to the correctness of such account or return. 31 Vic., cap. 8, sec. 82. How to be attested. Further attestation may be required.

Form of attestation.

97. Every such account or statement shall be attested by the persons signing the same, by the following oath:—

"I , do solemnly swear that the account "above written, to which I have also subscribed my name, "is true according to its purport: So help me God." 31 Vic., cap. 8, sec. 83.

Before whom to be attested

98. Every such oath shall be made before some Collector of Inland Revenue or other officer of Inland Revenue; and the Collector or officer before whom it is made, or any superior officer of Inland Revenue may, when the account or statement is made, or at any time thereafter put to the person or persons making it such questions as are necessary to the elucidation and full understanding of the account, and for ascertaining whether such person has had the means of knowing the same to be correct: And the Collector or officer aforesaid may also, when the account or statement is made or at any time thereafter, examine under oath any person or persons employed, or who may at any time have been employed in or about the distillery, malt-house, tobacco manufactory, or bonded manufactory to which such account relates, or any person doing business therewith or selling material thereto or buying goods therefrom, and also any common carrier, agent, clerk or other person who has been concerned in the removal of any such goods or material to or from any distillery, malt-house, tobacco manufactory or bonded manufactory, or in taking or keeping an account of such removals, as to the truth of all such statements, and may reject all such written statements as may be shewn by such evidence to be incorrect or unreliable; and such rejection shall render the party making the return liable to the same penalty as he would be liable to if no return whatever had been made. 31 Vic., cap. 8, sec. 84.

Officers may examine certain persons on oath.

Mode of giving notice delivering returns, &c.

99. All notices, lists, descriptions, returns, statements, accounts and reports required by this Act to be given or made to any person or officer, shall be held to be validly so given or made, if they be received by such person or officer, as the case may be, or if they are left at the usual place of residence of such officer or person, within the period or delay fixed herein in that behalf, without any reference to the mode by which such notice, list, description, account, statements or return was conveyed to such person or officer; and the onus of proof that all such notices, lists, descriptions, returns, accounts, statements and reports have been given or made as herein required shall lie upon the person whose duty it is to give or make them. 31 Vic., cap., 8, sec. 85.

When the duties shall be payable.

100. The several duties imposed by this Act shall be due and payable on the sixth and twenty-first of each month, for the quantities of each article or commodity produced or manufactured during the preceding half month respectively, unless another time of payment is herein expressly fixed. 31 Vic., cap. 8, sec. 86.

101. The amount of duty shall be calculated on the measurements, weights, accounts, statements and returns, taken, kept or made as herein provided, subject to correction and approval by the Collector of Inland Revenue or other officer duly authorized thereto; and when two or more methods for determining quantities or the amount of duty to be paid are provided for that method which yields the largest quantity or the greatest amount of duty shall be the standard; but if the Collector of Inland Revenue or any superior officer has any reason to doubt the correctness of any statement, account or return, he shall compute the weights, measurements or quantities himself, and levy the duty accordingly; and such computation may be based on any reliable evidence respecting the quantity of material brought into the distillery, malt-house, tobacco manufactory or bonded manufactory, or as to the quantity of the manufactured article removed therefrom, or as to the quantity or strength of any articles used in any of the processes of manufacture, and if the result is disputed, the proof of the error or wrong shall rest with the party who is liable for the payment of the duty. 31 Vic., cap. 8, sec. 87.

Calculation of duty, and correction of calculation.

If the Collector has doubts as to correctness.

BONDING OR WAREHOUSING.

102. Spirits, malt and tobacco, subject to duty under this Act, may be deposited in any suitable warehouse without payment of the duty hereby imposed, subject to the following regulations and to such other regulations as the Governor in Council may make. 31 Vic., cap. 8, sec. 88.

Goods subject to excise may be warehoused.

103. The warehouse shall be provided by the owner of the goods, and shall be in conformity with such departmental regulations as may be, from time to time, made in that behalf, and upon being surveyed and approved as to security by the inspecting officer, shall be secured under the joint locks of the Crown and the proprietor or owner of the goods warehoused. 31 Vic., cap. 8, sec. 89.

Warehouse to be provided by owner of goods and approved.

104. All goods warehoused shall be at the risk of the owner, and if destroyed or wasted, through the neglect of the owner, the duty shall be payable thereon as if they were entered for consumption. 31 Vic., cap. 8, sec. 90.

Goods to be at owners risk.

105. Bonds shall be taken for twice the amount of duties accruing on the goods. 31 Vic., cap. 8, sec. 91.

Amount of bonds.

106. No less quantity of goods shall be removed from the warehouse at any one time than is contained in one package, nor than is subject to the payment of twenty dollars Excise duty. 31 Vic., cap. 8, sec. 92.

Not less than one package to be removed.

107. No goods shall remain warehoused for a longer period than two years, and at the end of that time the full amount of duty remaining unpaid shall be collected. 31 Vic, cap. 8, s. 93.

Period of warehousing.

Molasses may be manufactured into spirit in bond.

108. Any molasses imported into Canada may be removed in bond without the payment of duties of Customs thereon, into a licensed distillery, and there used in the manufacture of spirits of any kind, subject to regulations to be made by the Governer in Council under the said Act respecting the Inland Revenue, and when so used the bonds given in that behalf shall be cancelled : and, if the spirits manufactured from such molasses are exported under the provisions of the said Act, no duty shall be payable thereon ; but if such spirits are entered for consumption in Canada, then the duty of Excise on the spirits manufactured from such molasses shall be one dollar and three cents per gallon ; and the Governor in Council may, by regulation, fix the quantity or the mode of determining the quantity of spirits, which shall be held to be equivalent to any assigned weight of molasses. 33 Vic., cap. 9, s. 19, as amended by 34 Vic., cap. 16, s. 4, and Tariff Act.

Duty if entered for consumption.

Duty to be stated in entry.

109. At the time of entering the goods for warehouse, the amount of duty shall be computed and ascertained and stated in the entry. 31 Vic., cap. 8, s. 94. 42 V. c. 15, s. 13.

Transfer of goods in bond.

110. Except as herein otherwise provided as to matgoods warehoused under this Act may be transferred in bond from one party to another, and may be exported, ex-warel housed or removed from one warehouse to another, without payment of duty, under such restrictions and regulations as the Governor in Council may deem necessary. 31 Vic., cap. 8, s. 95.

Quantity, value and packages to be described.

111. When goods are entered for warehouse, the entry shall state the exact quantity and value of goods in each package or parcel, and each package shall be described in the entry paper, and shall also be designated by a distinguishing number. 31 Vic, cap. 8, s. 96.

Packages to be marked.

112. Each package warehoused shall be marked with the entry number, with the date when warehoused, and with the quantity which the package contains. 31 Vic., cap. 8, s. 97.

Stowage of casks.

113. All casks of spirits shall be arranged and stowed in the warehouse so that access may be easily had to each cask, and so that the marks and numbers thereon may be convenienrly read or ascertained. 31 Vic., cap. 8, s. 98.

Access to be provided for.

114. All boxes, caddies or packages of tobacco shall be arranged and stowed in warehouse so that access may be easily had to each package, and so that the stamps or other marks thereon may be easily read. 31 Vic., cap. 8, s. 99.

Goods in several entries not to be mixed.

115. Goods warehoused shall be so stowed or arranged that the casks, boxes or packages contained or described in one entry are placed together in separate lots ; and in no case shall the casks, boxes or packages contained or described in one entry, be intermixed with those contained or described in another. 31 Vic., cap. 8, s. 100.

To be re-marked and re-stowed in certain cases.

116. Whenever the marks or numbers on any goods in warehouse have been omitted, or have been defaced or otherwise become illegible, or whenever such goods are not stowed or arranged in compliance with the requirements of this Act, the owner of such goods shall, on being required so to do, immediately re-mark or arrange or stow them, as the case may be, to the satisfaction of the Collector of Inland Revenue, or of any officer inspecting the Division ; and if the owner of such goods fails to re-mark, arrange or stow them in the manner herein required, for the space of one week after having been required so to do, all such goods shall be forthwith entered for duty ex-warehouse, and the duty thereon collected in accordance with the original warehouse entry. 31 Vic., cap. 8, s. 101.

Duty to be paid on goods taken out.

117. No goods shall be removed from warehouse for consumption unless upon the payment of the full amount of duty accruing thereon ; and the duty so paid on spirits, malt or tobacco so taken out of warehouse for consumption, or which shall have directly gone into consumption shall not be refunded by way of drawback or otherwise upon the exportation of such spirits, malt or tobacco out of Canada. 31 Vic., cap. 8, s. 102.

Entries to be refused until requirements are complied with.

118. Except as herein otherwise provided the Collector or other officer of Inland Revenue or Customs in whose charge goods warehoused under this or any other Act relating to warehousing may be placed, shall refuse all entries ex-warehouse until the owner of such goods or his agent shall have complied with all conditions in respect thereto, which may be required by this or any other Act, or by any regulations made by virtue of this or any other Act. 31 Vic., cap. 8, s. 103.

Dutiable articles used for manufacture in bond may be received by persons so licensed as in a warehouse.

119. Any person licensed to manufacture in bond may receive into the place for which his license is granted, as into a bonded warehouse, and except as is herein otherwise provided without payment of the duty thereon, all such spirits and other articles as are commonly used in the manufacture of the goods for which the license is granted, on a permit for that purpose to be granted by the Collector of Inland Revenue, of such form and on such bond being entered into and on such conditions as shall be prescribed in any Order in Council or departmental regulation in that behalf ; but no less quantity in such spirits or other articles shall be so received at any one time than might be taken out of bond for consumption. 31 Vic., cap. 8, s. 104.

Payment of duties on goods manufactured in bond.

120. The goods so manufactured in bond, shall remain in the place for which the license was granted, in like manner and subject to the like restrictions and to the supervision of the officers of Inland Revenue, as by law provided with respect to other goods manufactured in Canada and subject to Excise,—and the duty thereon shall be paid in like manner within five days of the close of every half month, unless such goods are then exported or warehoused, as they

Unless

reported or warehoused.

may be, in the manner provided with respect to other goods subject to Excise. 31 Vic., cap. 8, s. 105.

Cancelling bonds for dutiable articles on certain conditions.

121. Whenever the Collector of Inland Revenue is satisfied that the quantity of goods manufactured in bond by any person licensed to manufacture in bond as herein provided, and on which the duty has been paid or which have been warehoused or entered for exportation, is such that the quantity of spirits or other article received by such person under any permit granted as aforesaid must have been consumed in the manufacture of such goods, then such Collector shall give a certificate thereof to such person, who shall thereby be discharged from any obligation to pay the duty on such spirits or article;—but if the spirits or other article for which any such permit has been given, remain in the place to which such permit relates longer than six months without such certificate being granted in respect thereof, then such person shall make an ex-warehouse entry, and pay the duty on so much of such spirits or article as shall not be certified to have been so consumed, and such duty shall be held to be a duty of excise, and collected and accounted for as such. 31 Vic., cap. 8, s, 106.

Proviso if not used within six months.

Forms to be directed by the Department.

122. All entry papers, either for warehouse, ex-warehouse or for removal, shall be made in such forms, and shall be attested by such affidavits, affirmations or declarations as the Department of Inland Revenue may order. 31 Vic., cap. 8, s. 108.

As to malt warehoused.

123. Malt placed in a malt-warehouse, as herein provided, shall be deemed to be warehoused within the meaning of this Act; but no such malt shall be transferred from one party to another in bond, or removed in bond from one warehouse to another, unless it be otherwise provided by regulation. 31 Vic., cap. 8, s. 108.

Drawback on beerexported.

124. Any licensed brewer who shall export any beer or malt liquor of his own manufacture, shall be entitled to receive a drawback thereon equivalent to the duty herein imposed on the malt contained in the beer so exported, and the amount of such drawback shall be in proportion to the strength of the beer, and shall be computed in such manner and by such means as may be, from time to time, directed by departmental regulations in that behalf:—but,

Notice of intent export and have beer given.

2. No such drawback shall be allowed or paid unless the brewer claiming it shall have given at least two days' notice of his intention to export the beer on which it is claimed, and made such declaration as to the strength thereof as may be required by departmental regulations in that behalf, nor unless the beer shall have been duly inspected and certified by a proper officer of Inland Revenue. 31 Vic., cap. 8, sec. 109.

PERMITS.

Conditions on which only

125. No spirits shall be removed from any distillery, nor from any warehouse in which they have been bonded or

stored, until the duty on such spirits has been paid or secured by bond in the manner by law required, nor until a permit for such removal has been granted in such form and by such authority as the Governor in Council may, from time to time, direct and determine; and any spirits removed from such distillery or warehouse before the duty thereon has been so paid or secured, or before such permit has been granted, shall be seized and detained by any officer of Inland Revenue having a knowledge of the fact, and shall be and remain forfeited to the Crown. 31 Vic., cap. 8, sec. 110, as amended by 31 Vic., cap. 51, sec. 11.

Spirits may be removed.

Forfeiture for contravention.

126. Any officer of Inland Revenue, or Customs, or any constable or peace officer, having general authority therefor from any superior officer of Inland Revenue, may stop and detain any person or vehicle carrying packages of any kind containing spirits, and may examine such spirits, and require the production of a permit authorizing the removal thereof; and if such permit is produced, the officer shall endorse the time and place of examination thereon; but if no such permit is produced, then such spirits, if the quantity thereof be greater than five gallons, and such officer has cause to believe that they have been unlawfully removed, may be detained until evidence to his satisfaction be adduced that such spirits were being lawfully removed, and that the duty thereon had been paid; and if such evidence be not adduced within thirty days, the spirits so detained shall be forfeited to the Crown. 31 Vic., cap. 8, sec. 111.

Power to detain persons moving spirits unlawfully.

Forfeiture if no permit.

127. Spirits shall not be removed from any distillery between the hours of six o'clock in the afternoon and seven o'clock on the following morning; nor shall any spirits be removed from a distillery at any time in casks or packages containing less than forty gallons each; any spirits removed in contravention of this section, shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue having a knowledge thereof, and dealt with accordingly. 31 Vic., cap. 8, sec. 112.

Hours and conditions of removal.

REGULATIONS BY ORDER IN COUNCIL.

128. The Governor in Council may make such regulations as to him may seem necessary for the warehousing of spirits, malt or tobacco, or for dispensing with the prohibition to the removal or transfer of malt in bond, under this Act, or for giving effect to any of the provisions of this Act, and declaring the true intent thereof in any case of doubt, as to him shall seem meet. 31 Vic., cap. 8, sec. 113.

Governor in Council may make regulations for warehousing.

129. The Governor in Council may, from time to time, make such regulations as to him may seem necessary for carrying into effect and enforcing the provisions of this Act respecting the manufacture of goods in bond, or the warehousing of such goods when manufactured, and for declaring the true intent and meaning of such provisions in any case of doubt, and for declaring how far any of the provisions of this Act shall be modified in their application to the man-

And for carrying out this Act.

ufacture of goods in bond and matters thereunto relating, or for substituting other provisions of the like nature in the place of any of them which cannot in his opinion conveniently be so applied ; and may, by such regulations, require any bond or any oath or affirmation which he shall deem requisite for the purposes aforesaid, and may for breach of such regulations impose any penalty not exceeding five hundred dollars in any case, or the forfeiture of the goods or articles or things in respect of which they shall have been violated ; And every such regulation may, by the Governor in Council, be repealed, amended or re-enacted. 31 Vic., cap. 8, sec. 114.

May require bonds, impose penalties, &c.

May be repealed, &c.

130. All regulations, whether Departmental or made by Order in Council, made under the provisions of this Act, shall have the force of law, and any infraction, breach or violation of any such regulation, shall subject the holder of a license under this Act, or any other person in the said regulations mentioned, to such penalty or forfeiture as may by the said regulations be imposed for such offence, and the same shall be enforced in like manner as other penalties and forfeitures imposed by this Act. 31 Vic., cap. 8, sec. 115.

Publication and legal effect of regulations.

OFFICERS OF EXCISE, THEIR POWERS AND DUTIES.

131. The Commissioner of Inland Revenue or other person acting as Deputy Head of the Department, and every inspecting Officer of Inland Revenue, or Inspector of Excise, shall have and may exercise in each and every Revenue Division all the powers and rights conferred by this Act on the Collectors of Inland Revenue. 31 Vic , cap. 8, sec. 116.

Powers of officers of Inland Revenue and Excise.

132. The Inspector of Inland Revenue, and every person appointed under this Act, or employed for the purposes of this Act, or upon whom any duty is imposed by this Act, shall be known as an officer of Inland Revenue, but,— 31 Vic., cap. 8, sec. 117.

Who deemed such.

133. Every officer of Inland Revenue who is appointed to collect the duties hereby imposed in any defined district or revenue division shall be specially designated as a "Collector of Inland Revenue :" and any officer who is employed or appointed to the survey of manufactures, operations, or premises subject to Excise, may also be designated as an "Officer of Excise." 31 Vic., cap. 8, sec. 118.

Collectors of Inland Revenue.

Officers of Excise.

134. No Officer of Inland Revenue shall directly or indirectly deal or trade in any goods or commodities subject to Excise or Customs duties. 31 Vic., cap. 8, sec. 119.

Not to deal in excisable goods.

135. Every superior and inspecting officer, and every Collector of Inland Revenue, with such other officers as may, from time to time, be designated by the Governor in Council are hereby empowered and authorized to administer all oaths and receive all declarations required or authorized by this Act. 31 Vic., cap. 8, sec. 120.

Power to administer oaths.

136. Every Officer of Inland Revenue is hereby empowered and authorized— Powers of officers.

1. With any assistants acting under him and by his directions, at all times, as well by night as by day, to enter into and remain in, as long as he may deem necessary, any building or place belonging to or used by any person or persons for the purpose of carrying on any trade or business subject to Excise, or in which are any machinery, utensils or apparatus subject to Excise, or which may be used in the manufacture of goods subject to Excise. Entry into places where business subject to Excise is carried on.

2. With any assistants acting under him and by his directions, to inspect any such building or place, and to take such account as he may deem necessary of every part thereof, and of all works, vessels, utensils, goods and materials, machinery and apparatus, belonging or in any wise appertaining to such business; Inspecting apparatus.

3. To break up or cause to be broken up or removed any floor, wall, partition, ceiling, roof, door, or other part of such building, place or premises, or any ground surrounding them, for the purpose of ascertaining whether there is any pipe, worm, still, conduit, tool, vessel, utensil, machinery or apparatus, or any stock, goods, commodity or article subject to Excise concealed or kept out of view; Breaking partitions, &c. to discover hidden apparatus.

4. To examine the worm of any still or other apparatus used by any distiller or bonded manufacturer, by causing the water to be drawn off from the worm tub or refrigerator containing such worm, at any time when in the opinion of such officer the doing so will not be prejudicial to the working of such still or other apparatus, or when he may deem it to be necessary to do so for the prevention or detection of fraud; Examining worm of stills, &c.

5. To gauge, measure, weigh, prove, mark, label, stamp, lock, seal, or otherwise designate or secure any fermenting-tun, mash-tub, cistern, kiln, worm, still, spirit-receiver, pipe, cock, vessel, or apparatus, furnace door, machinery, or utensil or any goods, article, or commodity subject to Excise, and to close, seal, and secure all or any such worms, stills, fermenting-tuns, mash-tubs, furnace doors and utensils during the period when the said distillery, malt-house, tobacco manufactory, or bonded manufactory is not at work; Gauging vessels, &c. And closing and sealing them.

6. To take at any time that he shall see fit, a sample or samples of any tobacco, snuff or cigars unmanufactured or in process of manufacture, or manufactured, in the stock or possession of any manufacturer of tobacco, paying for the same if demanded, at the current wholesale price of such tobacco, snuff, or cigars; Taking samples of tobacco at wholesale price.

7. To take from any distillery a sample of beer or wash, or to work the distillery as herein provided. 31 Vic., cap. 8, s. 121. Samples of beer, &c.

Power of officers to enter premises subject to Excise.

137. If any officer of Inland Revenue, with any assistants acting under him and by his directions, after having demanded admittance into any distillery, malt-house, tobacco manufactory, or bonded mannfactory, or into the premises of a distiller, maltster, tobacco manufacturer or bonded manufacturer, or into any place or premises subject to Excise, and having declared his name and business at the gate or entrance door or at any window or door of any such distillery, malt-house, manufactory or place, or at the door, window or gate of any building or place forming part thereof, be not immediately admitted into such distillery, malt-house, manufactory or other premises, it shall be lawful for such officer and any person acting in his aid, at all times as well by night as by day (but if by night then in the presence of a constable or other peace officer), to break through any of the doors, windows or walls of such distillery, malt-house, tobacco manufactory, bonded manufactory, or other premises necessary to be broken open or through to enable him and them to enter the said distillery, malt-house, manufactory or other premises aforesaid. 31 Vic., cap. 8, s. 122.

By day or night.

To obtain search warrants and make search.

138. The Collector or other proper officer of Inland Revenue, or any person or persons acting under him or by his directions respectively, having first obtained a search warrant for that purpose from some Justice of the Peace, who may grant the same on affidavit made before him and to his satisfaction, and stating reasonable grounds for the issuing thereof, may, at any hour between sun-rise and sun-set, enter into and search any house, building or place mentioned in such search warrant, as being one in which affidavit has been made of reasonable cause to suppose that an unlicensed still, worm, mash-tub, cooler, fermenting-tun, malt-floor or kiln, press, cutting knife, mill or other vessel or implement is illegally in use, or the provisions of this Act otherwise contravened. 31 Vic., cap. 8, s. 123.

License may be suspended for certain contravention of the Act.

139. The Minister of Inland Revenue may lawfully suspend or revoke the license of a distiller, maltster, tobacco manufacturer or bonded manufacturer, who shall delay, obstruct or prevent, or whose agent or servants shall delay, obstruct or prevent any officer or his assistant in or from entering into a distillery, rectifying house, malt-house, tobacco manufactory or bonded manufactory, or any house, out-house, store or other place whatsoever of such distiller, maltster, tobacco manufacturer or bonded manufacturer, or in or from otherwise performing his duty in the execution of any Act relating to the Inland Revenue. 31 Vic., cap. 8, sec. 124.

Writ of assistance may be granted, and by whom.

140. Any Judge of the Court of Queen's Bench or of the Common Pleas in the Province of Ontario, or of the Superior Court, or of the Court of Vice-Admiralty in the Province of Quebec, or of the Supreme Court in Nova Scotia, or of the Court of Queen's Bench in New Brunswick, having jurisdiction in the place where the application is made shall grant a Writ of Assistance upon application made to him for that

purpose by the Collector of Inland Revenue or any superior officer of Inland Revenue or by Her Majesty's Attorney-General for Canada, and such Writ of Assistance, when issued, shall be in force during the whole of the reign in which the same shall have been granted, and for twelve months from the conclusion of such reign ; For how long.

2. Under authority of a Writ of Assistance so granted, any officer of Inland Revenue, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, may enter in the night time if accompanied by a place officer, and in the day time without being so accompanied, any building or other place within the jurisdiction of the court granting such writ, and may search for and seize and secure any goods or things liable to forfeiture under this Act, and in case of necessity, may break open any entrance or other doors, windows or gates and any chests or other packages for that purpose. 31 Vic., cap. 8, s 125. Powers of Excise officers under such writ. Entry and search.

141. All Justices of the Peace, Mayors, bailiffs, constables and all persons, serving under Her Majesty by commission, warrant or otherwise, and all other persons whosoever, shall aid and assist, and they are hereby respectively required to aid and assist every officer of Inland Revenue in the due execution of any act or thing authorized, required or enjoined by this or any other Act. 31 Vic., cap. 8, s. 126. Justices of the Peace and others to aid if required.

PENALTIES.

142. Any person who, after the passing of this Act, and without having a license under it then in force, shall— Penalty for carrying on business subject to Excise without license.

(*a*.) Distil or rectify any spirits, or make or ferment any beer ; or—

(*b*.) Assist in distilling or rectifying any spirits, or in making or fermenting any beer or wash in any unlicensed place ; or—

(*c*.) Import, make, commence to make, sell, offer for sale or deliver any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or any part of such apparatus ; or

(*d*.) Who completely or partially sets up or assists in setting up, prepares or partially prepares for working, any such still, worm, rectifying or other apparatus ; or—

(*e*.) Who has in his possession any such still, worm, rectifying or other apparatus, or any part or parts thereof, partially or completely set up, or ready or partly ready for work in any place or premises owned by him or under his control, without having given notice thereof as required by this Act ; or—

(*f.*) Who conceals or allows to be concealed in or about any place or premises owned or controlled by him, any such still, worm, rectifier or other apparatus, or part thereof; or—

(*g.*) Who conceals by removing, or assists in concealing by removing or otherwise, any such still, worm, rectifying or other apparatus,—

Misdemeanor and how punishable.

Shall be guilty of a misdemeanor, and on conviction thereof shall pay a penalty of five hundred dollars, and shall be imprisoned with hard labour for a period of not less than six, and not exceeding twelve months; and—

Apparatus may be seized.

All such stills, worms, fermenting-tuns, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or parts thereof, and all beer, wash, or spirits that may be found in the possession of any unlicensed person, or in any unlicensed place, shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and may either be destroyed when and where found, or removed to some place of safe-keeping at the discretion of the seizing officer;

2. Any person who, after the passing of this Act, and whithout having a license under it then in force, shall—

(*a.*) Make any malt or steep any grain for the purpose of malting: or—

(*b.*) Brew any beer or any fermented liquor, except for the use of himself or family; or—

(*c.*) Manufacture or prepare for sale or consumption any tobacco or snuff, except tobacco grown by himself, and manufactured by him for his own private use; or—

(*d*) Who, claiming to have grown any tobacco, and manufactured it solely for his own use, shall sell or barter away any tobacco so manufactured—

Penalty.

Shall forfeit and pay a penalty of two hundred dollars. 40 Vic., cap. 12, s. 7.

Additional penalty.

143. Any person who shall become subject to the penalty provided for in the next preceding section, shall, in addition thereto, forfeit and pay for the use of Her Majesty double the amount of Excise duty and license duty which should have been paid by him under this Act. 31 Vic., cap. 8, s. 128.

Goods and apparatus may be seized when no license has been taken out.

144. All grain, malt, raw tobacco, and all other material in stock; and—

2. All engines, machinery, utensils, worms, stills, mash-tubs, fermenting-tuns, tobacco-presses or knives, and—

3. All tools or materials suitable for the making of stills, worms, rectifying, or similar apparatus, and—

4. All spirits, malt, tobacco, snuff, cigars, and other manufactured articles,—

Which may at any time be found in any distillery, malt-house, brewery, tobacco manufactory, bonded manufactory, or other premises or place where anything is being done or any working carried on which is subject to excise, and for which a license is required under this Act, but in respect of which no such license has been taken out; and—

5. All horses, vehicles, and other appliances which have been or are being used for the purpose of removing any spirits, malt, tobacco, or apparatus used in the production of any article subject to excise in contravention of this Act,— Horses, vehicles, &c.

Shall be liable to be seized by any officer of the Inland Revenue having a knowledge thereof, and to be forfeited to the Crown, and may either be destroyed when and where found, or removed to some place for safe-keeping at the discretion of the seizing officer. 40 Vic., cap 11, s. 8. Seizure and forfeiture.

145. Every person who shall have in his or her possession any malt-floor, malt-kiln, or any brewing or malting apparatus, or any tobacco press or mill for cutting or grinding tobacco, or any machinery adapted to be used in manufacturing tobacco, without having made a full and particular list, description and return thereof as herein required, shall forfeit and pay a penalty of one hundred dollars, and all such implements, machinery or apparatus shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown. 31 Vic., cap. 8, sec. 130, as amended by 40 Vic., cap. 12, s. 9. Penalty for having apparatus and not making return thereof.

146. Every person who shall sell, or offer for sale, or have in his possession any package of tobacco, snuff or cigars upon which no label or stamp has been affixed in compliance with the requirements of this Act, shall forfeit and pay for each such offence a penalty of two hundred dollars; and all tobacco, snuff and cigars so offered or exposed for sale, or so unlawfully had in possession, without being stamped or labelled as herein required, shall be and remain forfeited to the Crown, and shall be seized by any officer of Inland Revenue having a knowledge thereof, and dealt with accordingly. 31 Vic., cap. sec. 131. Penalty for having package of tobacco unstamped.

147. Every steam-engine, boiler, mill, still, worm, rectifying apparatus, fermenting-tun, mash-tub, cistern, couch, machine, vessel, tub, cask, pipe and cock, with the contents thereof, and all stores or stocks of grain, spirits, malt, tobacco, drugs or other material or commodity which may be in any premises or place subject to Excise, when any fraud against the revenue is committed in any such place or premises, or when the owner of any such place, premises, apparatus, goods or commodities, his agent or any person employed by Engines and apparatus on premises in which fraud is committed to be forfeited.

him, or any person having lawful possession or control of such premises, apparatus, goods or commodities, is discovered in the act of committing, or is convicted of committing, any act in or about such place or premises which is declared by this Act to be a misdemeanor or felony, shall be and remain forfeited to the Crown, and dealt with accordingly. 31 Vic., cap. 8, sec. 132.

Forfeiture of articles on which duty is not paid.

148. Every article or thing subject to duty under this Act, and on which the duty hereby imposed shall not have been paid at the proper time for paying the same, shall be seized by any officer of Inland Revenue and shall be and remain forfeited to the Crown. 31 Vic., cap. 8, sec 133.

Penalty on maltsters fraudulently putting grain into a cistern.

149. If any maltster shall add, or cause or willingly permit to be added, any grain to the grain wet in any cistern, or placed in any cistern for the purpose of being wetted, after the officer of Inland Revenue shall have taken an account thereof, he shall forfeit for every such offence the sum of five hundred dollars, and all the grain so mixed or added, together with all the grain and malt then in the malt-house, shall be and remain forfeited to the Crown. 31 Vic., cap. 8, section 134.

Penalty for removing malt before account is taken.

150. If any maltster shall remove, or cause or willingly permit to be removed, any malt from his malt-house before an account has been taken of the same by the proper officer, and in the manner required by this Act, or if any person shall receive or have any malt so removed and knowing the same to have been so removed, the maltster or person so offending shall forfeit the sum of five hundred dollars, and the malt so removed shall be forfeited to the Crown, and shall be seized by any officer having a knowledge thereof. 31 Vic., cap. 8, section 135.

Penalty for using stamped as branded packages for goods on which duty has not been paid without removing stamp, &c.

151. Every person who shall put into any bags, packages or casks which have been stamped or branded under this Act, any article or commodity subject to excise on which the duty imposed by this Act has not beed paid or secured, or which has not been inspected as herein required, and every vendor of any package labelled, branded or sealed, as required by this Act, who shall fail to obliterate or deface such label, brand or seal, before removing or allowing it to be removed from the licensed premises in which the article is made, in the manner directed or required by any departmental regulation in that behalf—

Punishment.

Shall be guilty of a misdemeanor, and shall forfeit and pay, for every such offence, a penalty of five hundred dollars, and in addition thereto shall be punishable, at the discretion of the Court before which the case is tried, by imprisonment for a period of not more than three months.

Or bringing stamped into manufacturers premises without observing

Every person who shall bring or cause to be brought into any place licensed under this Act, or who shall knowingly permit to remain in any licensed place belonging to him, or in which any business subject to excise is carried on

under his supervision or control, any box, jar, barrel, bag or other package, such as is used for containing any of the articles subject to excise which are made in such licensed premises, and having attached to it any stamp, mark or brand, or a part of any stamp, mark, or brand affixed thereto, under any provision of this Act, as evidence that the duty to which the contents of such box, jar, barrel, bag, or other package is liable, has been paid or secured, or that the inspection to which such article is liable has been made without first giving an exact return or account, with a description of such packages and of the marks or labels then upon them to the officer of Inland Revenue, under whose survey his premises are, and obtaining a permit thereto— certain conditions.

Shall forfeit and pay a penalty of *five hundred* dollars, and all articles subject to excise on the premises at the time such packages are discovered, shall be seized as forfeited to the Crown. 37 Vic., cap. 8, sec. 9. Penalty and forfeiture.

152. Every person carrying on any business subject to Excise, or having in his possession any premises, machinery, tools, utensils, apparatus or appliances, suitable for carrying on any business subject to Excise, who shall neglect, refuse or omit to make a true and correct return and entry at the time and in the manner required by this Act, or at any time when specially required so to do under the provision hereof, of all work-shops, apartments, utensils, tools, apparatus, machinery or appliances possessed, occupied or used by or for him, or existing in or introduced into or intended to be used in the premises wherein such business is or might be carried on; or— Penalty for not making proper returns of premises, apparatus, &c.

2. Who shall make use of any still, worm, fermenting-tun, mash-tub, cistern, malt-kiln, malt-floor, vessel, utensil, spirit-receiver, fixed or movable pipe, cock, pump or other appliance or apparatus, or permit any such to be used in his distillery, malt-house, tobacco manufactory or bonded manufactory, which or any of which have not been known, or reported to the proper officer previous to being so used, or for the use of which no license has been taken out as herein required; or— Using apparatus not returned.

3. Who shall make any changes therein or additions thereto without duly notifying the Collector of Inland Revenue or other proper officer; or— Making changes without notice.

4. Who shall make, cause to be made or permit to exist, any secret, covert, or unusual connection or communication between the several parts or compartments of the premises in which such business is carried on, other than are shown on the return or entry made thereof, or— Using secret communications.

5. Who shall allow any pipes, pumps, cocks, conduits, troughs or other means for conducting fluids or other matter from one part of such premises to another, or from one vessel to another, other than such as are clearly indicated and made known on the returns, models, diagrams or entries made of Or pipes, &c., not duly returned.

such premises or vessels, or other than have been made known to the proper officer, or other than are permitted to be used by this Act; or—

Using apparatus for purpose not notified.

6. Who shall permit any apparatus, utensils, vessels, pipes, store-rooms or compartments of such premises to be used or occupied otherwise than for the purpose for which they have been entered or returned; or—

Refusing to designate uses of vessels.

7. Who shall neglect or refuse to designate in the manner required by this Act, the contents or capacity of, and the purpose to which each vessel, utensil, apparatus, pipe, conduit, store-room, workshop and compartment of such premises are respectively applied; or—

Refusing to admit officer.

8. Who shall refuse to admit the Collector or other officer of Inland Revenue or his assistants to the premises or manufactory where any business, subject to Excise is carried on, at any hour of the day or night when such business is being carried on, or when any act or thing connected with the carrying on of such business is being performed therein; or—

Or to allow inspection of apparatus.

9. Who shall refuse to admit any officer of Inland Revenue to inspect any place or premises where any grain, stock, commodity, material, utensil or apparatus suitable for carrying on any business subject to Excise is placed or deposited; or—

Deceiving officers.

10. Who shall do or cause or permit to be done, any thing in or about the premises where such business is carried on, intended or likely to mislead any officer of Inland Revenue in the discharge of his duty, or to prevent him from ascertaining the true quantity of the products of the business therein carried on and subject to Excise—

Penalty.

Shall forfeit and pay for every such offence a penalty of *five hundred* dollars, together with—

Further penalty.

A further penalty of *one hundred* dollars for each and every day upon which such offence has been committed. 31 Vic., cap. 8, s. 137.

Apparatus to be forfeited.

153. Every still, worm, rectifying apparatus, fermenting-tun, mash-tub, machinery, vessel, utensil, pipe, cock, pump, trough, conduit, cistern, couch-frame or apparatus, with all and every matter or thing which they may contain, and the contents of every store-room, workshop, malt-house, kiln or apartment in respect of which any penalty is incurred under this Act, or which has not been entered, described or returned as herein required, shall be and remain forfeited to the Crown, and shall be seized by any officer of Inland Revenue having a knowledge thereof, and dealt with accordingly. 31 Vic., cap. 8, s. 138.

Penalty for refusing to admit officers.

154. Every person who shall refuse or neglect to aid any officer of Inland Revenue in the execution of any act or duty required by this Act, shall be guilty of a misdemeanor, and

on conviction thereof, shall be subject to a penalty of not less than fifty dollars nor more than one hundred dollars, and shall be also liable to imprisonment in the common jail for a period not less than three nor exceeding six months. 31 Vic., cap. 8, s. 139.

155. Every person carrying on any business subject to Excise who shall fail or neglect or allow any person acting for him or in his employ to fail or neglect.

Penalty for neglecting to keep books, &c., as required.

2. To keep stock books and all such other books as are required to be kept by this Act, or by any regulation made under the provisions of this Act, or by any regulation approved by the Governor in Council, or by the Minister of Inland Revenue or by any departmental regulation in that behalf; or—

Not making true entries.

3. To make true and correct entries therein of all particulars required by this Act or by the said regulations to be entered in such books; or

Falsifying books.

4. Who shall in any way alter or falsify any such entries, or make or cause or allow to be made any untrue entry or entries in the said books; or—

Removing parts of books.

5. Who shall remove or cause or permit the removal from the said books of any leaf or leaves or part of a leaf or leaves; or—

Defacing books.

6. Who shall deface or erase or cause or permit to be defaced or erased any entry made therein, or—

Refusing to make returns.

7. Who shall neglect or refuse to make any return or statement, or to give any information, or to render any accounts required by this Act; or—

Falsifying returns, &c.

8. Who shall falsify any such return, statement or account; or who shall knowingly give false information; or—

Refusing to produce books, &c.

9. Who shall neglect or refuse to produce any books, account, statement or return herein required to be kept, or any private books or accounts which may be demanded for the inspection of any duly authorized officer of Inland Revenue, when required so to do during ordinary business hours,—

Penalty and forfeiture.

Shall forfeit and pay for every such offence a penalty of *five hundred* dollars, together with a further penalty equal to double the amount of license fees, duty or other impost payable under this Act on any spirits, malt, manufactured tobacco, stock, goods manufactured in bond, or materials for manufacturing them;

Forfeiture of articles as to which the offence is committed.

And every article or commodity, in respect of which any fraudulent, false, incorrect or imperfect information, entry, return, account or statement has been made or given, or in respect of which any entry, return, account, statement or in-

formation has been in whole or in part neglected or refused to be made or given, or in respect of which any entry, return, account or statement has been in whole or in part erased, defaced, removed or destroyed,—

And of stock as to which false return is made, or information refused.

And all spirits, raw and manufactured tobacco, goods or materials, grain, malt, hops, drugs, stock, machinery, utensils, tools, apparatus, articles or commodities, in respect of which any such fraudulent, false or imperfect entry, return, account or information has been made or given, or in respect of which any information, return, entry, or account may have been in whole or in part neglected or omitted, or refused to be made or given, or in respect of which any entry, return, account or statement has been in whole or in part erased, defaced, removed or destroyed,—or which may be found in the distillery, malt-house, tobacco manufactory, brewery or bonded manufactory, at the time when such false, fraudulent or imperfect information, entry, return, account or statement shall be discovered to have been made or given—or at the time when it shall be discovered that the giving of any information or the making of any return, entry, statement or account has been in whole or in part neglected—or at the time when it shall be discovered that any return, account or statement has been in whole or in part erased, defaced, removed or destroyed,—

Seizure and forfeiture.

Shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown. 31 Vic., c. 8, s. 140.

Penalty for using beams, scales, weights or measures without inspection.

156. Any person who shall use or cause or permit the using of any beams, scales, weights or measures in or about any distillery, malt-house or tobacco manufactory, brewery or bonded manufactory, other than such as have been tested and inspected as herein provided and approved by the proper officer of Inland Revenue—shall forfeit and pay for every such offence a penalty of two hundred dollars, and a further penalty of fifty dollars for each and every day upon

Forfeiture.

which such offense shall have been committed; and such beems, scales, weights and measures, shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and be dealt with accordingly. 31 Vic., c. 9, s. 141.

Penalty for having unlawful perforations in certain vessels.

157. If in any distillery there shall, at any time, be found a close receiver, high wine tub, low wine tub, or doubler, which has been perforated by any hole or aperture, other than such as is necessary for the lawful use of such close receiver, or in contravention of this Act, the distiller in whose distillery the close receiver or other vessel so perforated shall be found, although such holes or apertures or perforations have been plugged or stopped, shall be liable to

Forfeiture.

the penalty of five hundred dollars; and the spirit receiver or other vessel, with its contents. together with all the stock of spirits or grain in the distillery at the time when such unlawful perforation is discovered, shall be and remain forfeited to the Crown. 31 V., c. 8, s. 142.

Breaking the Crown's lock or seal, or abstracting goods or counterfeiting labels, &c., to be felony.

158. Every person who opens or breaks any lock or seal, or other contrivance attached to any apparatus, vessel, pipe, trough, safe, receiver, meter, pump, cock, room, warehouse or other apartment used for the security of the revenue under this Act, or who unlawfully abstracts any spirits, malt or tobacco, goods manufactured in bond, or materials for the manufacture thereof, from any place where they or any of them are retained under the supervision of any Officer of Inland Revenue, or who counterfeits any label, stamp or seal provided for by or under the provisions of this Act, or who in any way perforates any vessel or receiver containing any spirit on which the duties have not been paid, without the knowledge and consent of the Collector of Inland Revenue, shall be guilty of felony. 31 Vic., cap. 8, sec. 143.

Penalty for,—

159. Every person carrying on any business subject to Excise who shall refuse or neglect—

Not rendering accounts.

2. To render such accounts, statements and returns as are herein required, and at the time herein prescribed; or—

Not paying duties.

3. To pay over at the proper time the duties and license fees imposed by this Act; or—

Or penalties.

4. To pay over any penalty or forfeiture incurred under this Act, for more than one month after such penalty or forfeiture has been incurred—

Forfeiture of license.

Shall, by every such refusal or neglect, forfeit his license; and it shall thereupon become the duty of the Collector of Inland Revenue to cause a notice of such forfeiture to be forthwith inserted in the *Canada Gazette*, and from and after the insertion thereof, the license shall be null and void; nor shall any new license be granted to such person, nor shall any license be granted to any other person for carrying on any business in the premises occupied by him at the time of his failure to render true accounts and to pay duties or penalties, until he shall have complied with the provisions of this Act,—nor until after such penalty or forfeiture has been satisfied. 31 Vic., c. 8, s. 144.

No new license except on certain conditions.

Obstructing officers to be misdemeanor.

160. Every person who shall obstruct, impede or interfere with any officer of Inland Revenue, or any person assisting such officer in the discharge of his duty, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for any period not less than six months, nor longer than one year. 31 Vic, c. 8, s. 145.

Assaulting officers or persons assisting them to be felony.

161. If any person, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resists, oppresses, molests or obstructs any officer of Inland Revenue, or any person acting in his aid or assistance, in the discharge of his or their duty under the authority of this Act, or wilfully or maliciously shoots at, maims or wounds any officer of Inland Revenue, or any person acting in his aid or assistance, while employed for any prevention of illicit distillation, brewing, malting or

manufacturing, and in execution of his or their duty, or the protection or care of any article or place seized for any contravention, or supposed contravention of this Act, such person being convicted thereof shall be adjudged guilty of felony, and shall be punishable by imprisonment for any period not less than six months nor longer than five years. 31 Vic., c. 8, s. 146.

Punishment for taking away goods seized or detained.

162. If any person whatever, whether pretending to be the owner or not, either secrely or opently, and whether with or without force or violence, takes or carries away any goods, vessel, carriage or other thing which has been seized or detained on suspicion, as forfeited under this Act, before the same has been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority,—such person shall be deemed to have stolen such goods or thing, being the property of Her Majesty, and to be guilty of felony, and shall, on conviction, be imprisoned with hard labour for a period of not more than three years. 31 Vic., c. 8, s. 147, as amended by 40 Vic., c. 12, s. 10.

Penalty for refusing to give evidence.

163. Any person refusing or neglecting to appear before any justice or justices, or any court, to give evidence, when summoned, concerning any alleged offence against the provisions of this Act, or who shall refuse or neglect to give evidence when required, before any officer herein authorized to examine such person, shall, for such refusal or neglect, incur a penalty of one hundred dollars. 31 Vic., c. 8, s. 148.

Penalty for contraventions for which no other is provided.

164. Every person who shall violate any of the provisions of this Act, or who shall neglect any duty imposed on him by this Act, for which violation or neglect no penalty is herein specially provided, shall be subject to a penalty of *two hundred* dollars. 31 V. c. 8, s. 149.

PROTECTION OF OFFICERS.

Notice to officer sued for anything done in the exercise of his office and what to contain.

165. No writ shall be sued out against, nor any process served upon any officer of Inland Revenue for anything done in the exercise of his duty as such officer, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent, and no evidence of any cause of such action shall be produced except of such as shall be contained in such notice; and no verdict or judgment shall be given for the plaintiff, unless he shall prove on the trial, that such notice was given; and in default of such proof, the defendant shall receive in such action a verdict or judgment and costs. 31 V., c. 8, s. 150.

No other cause of action to be proved.

166. Every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the facts were committed; and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become non-suited, or shall discontinue the action, or if upon a demurrer or otherwise, judgment shall be given against the plaintiff the defendant shall recover costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law. 31 V. c. 8, s. 151.

Action must be brought within three months.

Pleas.

Costs.

167. It shall be lawful for any such officer or person against whom any action shall be brought on account of any such seizure or entry, or of anything done under the authority of this Act, within one calendar month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any action, together with other pleas; and if the court or jury (as the case may be) find the amends sufficient, they shall give a judgment or verdict for the defendant; and in such case, or in case the plaintiff shall become non-suited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer or otherwise,—then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only; Provided always, that it shall be lawful for such defendant by leave of the court where such action shall be brought, at any time before issue joined, to pay money into court as in other actions. 31 Vict., c. 8, s 152.

Amends may be tendered and effect of such tender.

Costs.

Money paid in Court.

168. In any such action, if the judge or court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than twenty cents damages nor to any costs of suit. 31 Vict., c. 8, s. 153

Nominal damages only if Judge certifies probable cause.

169. In case any information or suit shall be brought to trial or determined on account of any seizure or entry made under this Act, and a verdict shall be found or decision or judgment given for the claimant, and the judge or court before whom the cause shall have been tried or brought shall certify on the record that there was probable cause of seizure or for such entry, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure or entry be liable to any action, indictment, or other suit or prosecution on account of such seizure or entry; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure or entry, wherein a verdict or judgment shall be given against the defendant, the plaintiff, if probable cause be certified as aforesaid on the record, besides the thing seized, if a seizure, or the value thereof, shall not be entitled to more than twenty cents damages nor to any costs of suit, nor shall the defendant in such prosecution in such case be fined more than ten cents. 31 Vict. c. 8, s. 154.

No costs to claim in case of seizure with probable cause certified by Judge, nor more than nominal damages against seizing officer

RECOVERY OF DUTIES AND PENALTIES.

Duties recoverable whether account has been rendered or not.

170. Any duties of Excise or license duties or fees payable under this Act shall be recoverable at any time after the same ought to have been accounted for and paid, whether an account of quantity of spirits, malt, tobacco, drugs or other goods or commodities, has or has not been rendered as herein required, or whether a true return of the utensils, tools and apparatus on which such duty or license fees are payable has or has not been made as herein required; and all such duties and license fees shall be recoverable with full costs of suit as a debt due to Her Majesty, in any court of competent civil jurisdiction. 31 Vict., c. 8, s 155.

As a debt to Her Majesty with full costs.

Recovery of penalties and forfeitures.

171. All penalties and forfeitures incurred under this Act or any other law relating to Excise, may be prosecuted, sued for and recovered in the Superior Courts of Law, or Court of Vice-Admiralty, having jurisdiction in that Province in Canada where the cause of prosecution arises, or wherein the defendant is served with process:—And if the amount or value of any such penalty or forfeiture does not exceed five hundred dollars, the same may also be prosecuted, sued for and recovered in any County Court or Circuit Court having jurisdiction in the place where the cause of prosecution arises or where the defendant is served with process. 31 Vict., c. 8, s. 156.

If not over $500, in a County or Circuit Court.

How perishable articles may be dealt with.

172. In case of the seizure of any article, the Collector of Inland Revenue for the division in which the seizure has been made, or any superior officer of Inland Revenue may sell the same within such delay as to prevent its becoming deteriorated in value, or a part of the value consumed by reason of the expense of keeping or the decay or waste of the same, as if it had been condemned,—and may keep in his hands the proceeds of such sale until the same has been condemned, or deemed to be condemned, or ordered to be restored to any claimant, in which last mentioned case, the Court before which the claim is heard shall order the Collector to pay over to the claimant the proceeds of such sale, in lieu of awarding restitution;

May be given up on security.

2. Nevertheless, the Collector of Inland Revenue or superior officer of Inland Revenue aforesaid, may deliver up to any claimant any such article, so seized as aforesaid, upon such claimant depositing in the hands of the Collector or superior officer such sum of money as will represent the full value thereof, or giving security to the satisfaction of such Collector or superior officer that the value of such seizure and all costs shall be paid to the use of Her Majesty, if such article be condemned. 31 Vict., c. 8, s, 157.

How articles seized shall stored or kept.

3. "Any article or commodity seized as forfeited under this Act or any Act relating to Inland Revenue, may at the option of the seizing officer, be kept or stored in the building or place where it was seized, until it is condemned or ordered to be restored to any claimant; and so long as such article or commodity is under seizure, the place or building

in which it is so kept or stored shall be held to be in the sole custody of the officer of Excise, or other person appointed for that purpose, by the seizing officer or by any superior officer of Excise, or such article or commodity may, by direction of such seizing officer, or superior officer, be removed to be kept in any other place." 31 Vict., c. 51, s. 12.

Burden of proof that duties have been paid.

173. The burden of proof that the duties of Excise have been paid and all the other requirements of this Act complied with, as regards any article of any kind subject to duty under this Act, shall lie upon the parties in whose possession the goods or articles liable to duty may, at any time, have been before such duties were proved to have been paid, or whose duty it was to pay such duties and to comply with such requirements. 31 Vic., cap. 8, s. 158.

Forfeited apparatus may be seized and secured until condemned or released.

174. If any stock, steam-engine, boiler, still, fermenting-tun, machinery, apparatus, vessel or utensil, or other article or commodity be forfeited under the provisions of this Act, for any contravention thereof, they may be seized by the Collector or other officer of Inland Revenue to whom such contravention may become known, or by any other person acting by the authority of such officer, at any time after the commission of the offence for which they are forfeited, and may be marked, detained, removed, sold, or otherwise secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offender, and if condemned, they shall be removed, sold or otherwise dealt with as the Governor in Council may direct. 31 Vic., cap. 8, s. 159.

Schedule to be made by officer seizing, &c.

175. It shall be the duty of the Collector or other officer of Inland Revenue, or any person aiding or assisting him or them in seizing property as forfeited under this Act, to mark and number each separate piece, and to make a schedule of all the property seized, with the estimated value thereof, which schedule or list shall be dated and signed by the Collector or other officer; and a true copy thereof shall be given to the person for whom the seizure was made, and another copy, together with the Collector or other officer's report relating to such seizure, shall be transmitted without delay to the Department of Inland Revenue. 31 Vic., cap. 8, s. 160.

Copies may be made and for whom.

To be seized in Her Majesty's name.

176. All property seized under any provision of this Act, shall be seized, marked and secured in the name of Her Majesty the Queen; and the power of seizing, marking and securing the same shall be exercised by direction and under the authority of the Collector of Inland Revenue, or other officer, where and when necessary in order to carry out the provisions of this Act:

Stock in trade and apparatus of party owing any duties or penalties to

2. And (without any prejudice to the liability of any other property of the debtor or his sureties), the grain, malt, tobacco, or other materials or stock in trade, from which any goods subject to Excise are or could be wholly or in part made, stills, mash-tubs, vats, fermenting-tuns, engines,

be specially liable for the same.

water-wheels, tables, presses, and other machinery, implements, articles and utensils, used or capable of being used for making, manufacturing or producing any such goods or preparing any materials therefor, or by means of which any trade, business or employment subject to Excise is or has been or might be carried on, and whether so fixed as to form part of the real or immovable property or not,—which are on the premises mentioned in the license or in the custody or possession of the party carrying on such trade or business, or in the custody or possession of any factor, agent or other person in trust for or for the use of such party, at the time when any duties become due or any penalty is incurred under this Act,—shall be and remain liable for such duties and for any penalty or forfeiture incurred by the distiller, brewer, maltster, tobacco manufacturer or bonded manufacturer, on whose premises or in custody or possession of whom or of whose factor or agent or trustee as aforesaid they are, by special and perferential privilege and lien in favour of the Crown, and may be seized and sold in satifaction of the same under any warrant of distress or writ of execution, or other process for the recovery thereof, and may be removed by the purchaser to whomsoever the same might otherwise belong, or into or in whose hands or possession soever the same have passed or are found, and notwithstanding any title or claim to the same or privilege or lien thereon in favor of any other person or party whomsoever,—and shall be liable to forfeiture to the Crown, under the provisions of this Act, for any contravention thereof; and if so forfeited they may be seized by the Collector of Inland Revenue or other officer of Inland Revenue, or any person acting by his authority, at any time after the commission of the offence for which they are forfeited, and marked, detained or secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offender; and if condemned, they shall be removed or sold or otherwise dealt with as the Minister of Inland Revenue may direct. 31 Vic., cap. 8, s. 161.

Notwithstanding any claim or title.

Provision if the same be forfeited.

Notice of seizure to be posted up.

177. So soon as an information has been exhibited in any court for the condemnation of any goods or thing seized under this Act, notice thereof shall be put up in the office of the Clerk or Prothonotary of the Court, and also in the office of the Collector of Inland Revenue or chief officer of Inland Revenue, in the Inland Revenue Division wherein the goods or thing has been secured aforesaid;

How claims to property shall be determined.

2. If the owner or person claiming the goods or thing exhibits a claim to the same and gives security and complies with all the requirements of this Act in that behalf, then the said court, at its sitting next after the said notice has been so posted during one month, may proceed to hear and determine any claim which has been validly made and filed in the meantime, and to the release or condemnation of such goods or thing, as the case requires; otherwise the same shall, after the expiration of such month, be deemed to be condemned as aforesaid, and may be sold without any formal condemnation thereof;

3. No claim on the behalf of any party who has given notice of his intention to claim before the posting of such notice as aforesaid shall be admitted, unless validly made within one week after the posting thereof; nor shall any claim be admitted, unless notice thereof has been given to the Collector of Inland Revenue or Superior Officer of Inland Revenue within one month from the seizure as aforesaid. 31 Vic., c. 8, s. 162. Claims to be posted up.

178. All vehicles, goods and other things seized as forfeited under this Act or any other Act relating to Excise, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with accordingly, unless the person from whom they were seized, or the owner thereof, do, within one month from the day of seizure, give notice in writing to the seizing officer, the Collector of Inland Revenue in the Inland Revenue Division in which such goods were seized, or superior officer of Inland Revenue, that he claims or intends to claim the same; Condemnation for want of claim within a certain time.

2. But any Judge having competent jurisdiction to try and determine the seizure, may, with the consent of the Collector of Inland Revenue at the place where the seized articles are secured, or of any superior oficer of Inland Revenue, order the delivery thereof to the owner, on receiving security by bond with two sufficient sureties, to be first approved by such Collector or superior officer of Inland Revenue, to pay double the value in case of condemnation, —which bond shall be taken to Her Majesty's use in the name of the Collector or the superior officer of Inland Revenue, and shall be delivered to and kept by such Collector or superior officer of Inland Revenue; and in case such seized articles are condemned, the value thereof shall be forthwith paid to the Collector and the bond cancelled; otherwise the penalty of such bond shall be enforced and recovered. 31 Vic., c. 8, s. 163. Goods seized may be delivered up on security.

179. The payment of any penalty or forfeiture incurred under this Act, shall not discharge the party paying the same from the obligation to pay all duties due by such party and the same shall be paid and may be recovered as if such penalty had not been paid or incurred. 31 Vic., c. 8, s. 164. Payments of penalty not to discharge any duty.

180. The pecuniary penalty or forfeiture incurred for any offence against the provisions of this Act, may be sued for and recovered before any two or more Justices of the Peace, having jurisdiction in the place where the offence was committed, on the oath of two credible witnesses; and any such penalty may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, under the warrant of such justice or justices; or the said justices may, in their discretion, commit the offender to the common gaol, until the penalty, with the costs of the prosecution, shall be paid. 31 Vic., c. 8, s. 165. Recovering of pecuniary penalties and forfeitures. Distress if not paid; or imprisonment.

181. Provided always, that any pecuniary penalty or any forfeiture imposed by this Act, whatever be the amount Recovery with costs by

Her Majesty's Attorney-General in competent Court.

thereof, may be sued for and recovered with costs, on the oath of any one competent witness in any court having civil jurisdiction to the amount of such penalty or forfeiture, by Her Majesty's Attorney-General, or by any other person or officer thereunto authorized by the proper authority. 31 Vic., c. 8, s. 166.

Appropriation and division of penalties and forfeitures.

182. All forfeitures and penalties under this Act, after deducting the expenses of prosecution, shall, unless it be otherwise expressly provided, belong to Her Majesty for the public uses of the Dominion, but the net proceeds of such penalty or forfeiture, any portion thereof, may be divided between and paid to the Collector of Inland Revenue or superior officer of Inland Revenue, by whom the seizure was made, or the information given on which the prosecution was founded, and to any person having given information or otherwise aiding in effecting the condemnation of the goods or thing seized, or the recovery of the penalty, in such proportions as the Governor in Council may, in any case or class of cases. direct and appoint ; but nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council with regard to the remission of penalties or forfeitures by this Act or any other law. 31 Vic., cap. 8, sec. 167.

Governor's power to remit saved.

Revenue Officers to be competent witnesses.

183. Any officer of the Customs or of Inland Revenue, or other person employed in the collection of the revenue, shall be a competent witness in any prosecution or suit under this Act, provided he be not himself the prosecutor or a party to such suit, although he has or believes himself to have some expectation of advantage to himself from the successful termination of such prosecution or suit. 31 Vic., cap. 8, sec. 168.

Sum recovered to form part of Consolidated Revenue Fund.

184. All sums of money paid or recovered for any penalty or forfeiture under this Act, or any part thereof belonging to Her Majesty, shall be paid to the Receiver General, and shall form part of the Consolidated Revenue Fund of Canada. 31 Vic., cap. 8, sec. 169.

As to goods voluntarily abandoned as forfeited, or penalties voluntarily paid.

185. If any article or thing be voluntarily given up or abandoned by the owner to any Collector of Inland Revenue or superior officer of Inland Revenue, as forfeited under this Act, or if any sum of money be voluntarily paid to any such Collector or officer as the amount of a penalty incurred under this Act, such abandonment or payment shall be held lawful, and such article or thing may be dealt with as if legally condemned, and such sum of money as if legally recovered. Vic., cap. 8, sec. 170.

Repeal of inconsistent enactments thereto.

Proviso.

186. The Acts and parts of Acts mentioned in the schedule hereunto annexed, and all Acts, enactments or provisions of law inconsistent with this Act, are hereby repealed and this Act is substituted for them: Provided always, that all Acts or enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired under the Acts hereby repealed, or any of them,

shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed under corresponding provisions of this Act, which shall not be construed as a new law but as a consolidation and continuation of the said repealed Acts, subject to the amendments and new provisions hereby made and incorporated with them; and anything heretofore done in pursuance or in contravention of any provisions in any of the said repealed Acts, which is repeated without material alteration in this Act, may be alleged or referred to as having been done in pursuance or in contravention of the repealed Act in which such provision was made or of this Act; and every such provision shall be construed as having and as having had the same effect and from the same time as under such repealed Act; and any reference in any former Act or document to any such provision in any of the said repealed Acts shall hereafter be construed as a reference to the corresponding provision in this Act.

How this Act shall be construed.

SCHEDULE

Acts and parts of Acts repealed.

31 Vict., cap. 8.	The whole.
31 Vict., cap. 51.	The whole.
33 Vict., cap. 9.	Sections 18 and 19.
36 Vict., cap. 47.	Section 14.
37 Vict., cap. 6.	Section 12.
37 Vict., cap 8.	Sections 9, 10, 11, and 12.
39 Vict., cap. 5.	The whole.
40 Vict., cap. 11.	Sections 1 and 8.
40 Vict., cap. 12.	The whole.
41 Vict., cap. 9.	The whole.
42 Vict., cap. 15.	Sections 13, 14, 15, 16, 17.

NOTE.—*This Schedule and the repealing clause will be subject to correction when the amendments to the Bill have been taken in.*

The Bill contains the law as it now stands, and the proposed amendments are prefixed, to the end that Members may more readily see the changes intended.

No. 7.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to consolidate and amend the Acts respecting the Inland Revenue.

Received and read, first time, Tuesday, 17th February, 1880.

Second reading, Wednesday, 18th February, 1880.

With the amendments intended to be moved in Committee, prefixed.

Hon. Mr. BABY.

OTTAWA.

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 8.] **BILL.** [1880.

An Act to amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.

Preamble

C.S.C., c. 68.

WHEREAS it is expedient to amend the Act being chapter sixty-eight of the Consolidated Statutes of the late Province of Canada, intituled "*An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams:*" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 59 repealed; new provision.

1. Section fifty-nine of the said Act is hereby repealed and the following substituted therefor:

"59. The tolls to be collected upon different kinds of timbers shall bear to each other the following proportions, viz:

Red and white pine, square or flatted, per piece	.....	1 ct.
Oak, elm and other hard wood, square or flatted	"	1½
Spars	"	3
Masts	"	5
Sawlogs, 17 ft. and under in length	"	⅓
" over 17 ft. and under 25 ft. long	"	⅔
" over 25 ft. long	"	1
Sawed lumber, per 1,000 ft. board measure	.....	3
Staves, per 1,000	.....	15
Firewood, shingle bolts and other lumber, per cord		2

No. 8.

2nd Session, 4th Parliament, 43 Victoria, 1880

BILL.

An Act to amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.

Received and read first time, Wednesday, 18th February, 1880.

Second reading, Thursday, 19th February, 1880.

Mr. WHITE,
(Renfrew.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 9.] **BILL.** [1880.

An Act respecting the Boundary between the Province of Ontario and the Territories of Canada.

Preamble.

WHEREAS the northerly and westerly boundaries of the Province of Ontario were not determined until lately;

Recital.

And whereas it was agreed by the Governments of the Dominion of Canada and Province of Ontario that the true boundaries should be determined by reference to arbitration;

Agreement between Governments of Canada and Ontario.

Arbitration.

Arbitrators.

And whereas the Governor General of Canada in Council named as arbitrator the Honorable Sir Francis Hincks, of the City of Montreal, Knight, and the Lieutenant Governor in Council of the Province of Ontario named as arbitrator, the Honorable Robert Alexander Harrison, Chief Justice of the Province; and the two Governments further agreed that the Right Honorable Sir Edward Thornton, Knight, should be the third arbitrator, and that the determination of the award of the said boundaries should be taken as final and conclusive;

Award of arbitrators.

Boundaries.

And whereas on the third day of August in the year of our Lord one thousand eight hundred and seventy eight, the said arbitrators made their award in writing in the words following:—"The undersigned having been appointed by the Governments of Canada and Ontario as arbitrators to determine the northerly and westerly boundaries of Ontario, do hereby determine and decide that the following are and shall be such boundaries, that is to say: Commencing at a point on the southern shore of Hudson's Bay, commonly called James Bay, where a line produced due north from the head of Lake Temiscaming would strike the said south shore, thence along the said south shore westerly to the mouth of Albany River, thence up the middle of the said Albany River and of the Lakes thereon to the source of the said river at the head of Lake St. Joseph; thence by the nearest line to the easterly end of Lac Seul, being the head waters of the English River; thence westerly through the middle of Lac Seul and the said English River to a point where the same will be intersected by a true meridional line drawn northerly from the said international monument placed to mark the most north-westerly angle of Lake of the Woods by the recent Boundary Commission, and thence due south following the said meridional line to the said international monument; thence southerly and easterly following upon the international boundary line between the British possessions and the United States of America, into Lake Superior: But if a true meridional line drawn

northerly from the said international boundary at the said most north-westerly angle of the Lake of the Woods shall be found to pass to the west of where the English River empties into the Winnipeg River, then and in such case the northerly boundary of Ontario shall continue down the middle of the said English River to where the same empties into Winnipeg River, and shall continue thence on a line drawn due west from the confluence of the said English River with the said Winnipeg River until the same will intersect the meridian above described, and thence due south following the said meridional line to the said international monument, thence southerly and easterly following upon the international boundary line between the British possessions and the United States of America, into Lake Superior;"

Effect of award.

And whereas the effect of the said award is to give to the Province of Ontario, less territory than her Government claimed, but more than the Government of Canada admitted to be within the limits of that Province;

Imperial Act of 1871, cited.

And whereas, by the *British North America Act*, 1871, it is enacted that the Parliament of Canada, may from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may with like consent make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby;

Act of Ontario.

And whereas the Legislature of the Province of Ontario has, by a statute passed on the eleventh day of March in the year of our Lord one thousand eight hundred and seventy-nine, consented to the Parliament of Canada declaring that the boundaries which, by the award of the arbitrators aforesaid, were decided to be the northerly and westerly boundaries of the said Province, whether they increase, diminish or otherwise alter the true northerly and westerly limits thereof, are the true limits of the said Province;

Confirmation desirable.

And whereas it is proper that the boundaries determined by the said arbitrators be confirmed: Therefore Her Majesty by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

Award confirmed.

1. The award respecting the northerly and westerly boundaries of the Province of Ontario, made by the Right Honorable Sir Edward Thornton, Knight, the Honorable Sir Francis Hincks, Knight, and the Honorable Robert Alexander Harrison, then Chief Justice of Ontario, at Ottawa, on the third day of August in the year of our Lord one thousand eight hundred and seventy-eight, is hereby confirmed, and the boundaries therein set forth are hereby declared to be the true northerly and westerly limits of the said Province.

No. 9.

2nd Session, 4th Parliament, 43 Victor

BILL.

An Act respecting the Boundary be the Province of Ontario an Territories of Canada.

Received and read first time, Wednesda February, 1880.

Second reading, Thursday, 19th Fe 1880.

Mr. Mills

OTTAWA:

Printed by MacLean, Roger & C

1880.

No. 10.] **BILL.** [1880.

An Act to regulate the employment of children, young persons and women in the workshops, mills and factories of the Dominion of Canada.

Preamble.

WHEREAS it is necessary that the hours of labor of children, young persons and women employed in mills and factories should be regulated, inasmuch as there are great numbers of children and young persons now employed in workshops, mills and factories, and their hours of labor are longer than is desirable, due regard being had to their health, morals and means of education: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

EMPLOYMENT HOURS.

No child, young person or woman to be employed except during period mentioned in Act.

1. No child, young person or woman shall be employed in any factory, mill or workshop except during the period of employment hereinafter mentioned.

Regulations as to the employment of children.

2. With respect to the employment of children the following regulations shall be observed:—

1. No child shall be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only; and

2. The period of employment for a child, in a morning set, shall begin at seven o'clock in the morning in the summer season, and shall end at noon of the day, and in the winter season shall begin at eight o'clock in the morning and shall end at noon.

3. The period of employment for a child in an afternoon set shall begin at one o'clock in the afternoon and terminate in the summer season at six o'clock in the evening, but in the winter season it shall terminate at five o'clock in the afternoon.

4. The period of employment for any child on Saturday shall end at the same time as if the child were a young person; and

5. A child shall not be employed in two successive periods of seven days, in a morning set, nor in two successive periods of seven days in an afternoon set; and a child shall not be employed on two successive Saturdays, nor on Saturday in

any week, if on any other day in the same week his or her period of employment has exceeded four hours and a half; and

6. When a child is employed on the alternate day system the period of employment for such child shall begin at seven o'clock in the morning in the summer, and at eight o'clock in the morning in winter, and end at five o'clock in the in the evening, with an interval at noon of one hour for meals; but the child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks.

7. No child shall on either system be employed continually more than five hours without an interval of at least half an hour for a meal.

Period of employment of young persons and women.

3. No young person or woman shall be employed in any factory, mill or workshop except during the period of employment hereinafter mentioned:—

1. The period of employment, except on Saturday, shall (save as is in this Act hereinafter specially provided or excepted) begin at half-past six o'clock in the morning and end at half-past six o'clock in the evening, except on Saturdays, when the period of employment shall end at half-past one o'clock in the afternoon:

2. There shall be allowed for meals or for absence from work, during the said period of employment in the factory, mill or workshop:—

(*a.*) On every day, except Saturday, not less than two hours, of which one hour shall be before nine o'clock in the morning and the second hour shall be before two o'clock in the afternoon; and

(*b*) On Saturday not less than one hour.

Period of employment of a woman where children or young persons are employed.

4. No woman in a workshop which is conducted on the principle of employing therein children and young persons or either of them, shall be employed except during the same period and subject to the same restrictions as if she was a young person; and the regulations of this Act with respect to the employment of young persons in a workshop or factory, shall apply accordingly to the employment of women in that workshop or factory; and

And where children or young persons are not employed.

2. In a workshop which is conducted on the system of not employing therein either children or young persons;

(*a.*) The period of employment for a woman shall, except on Saturday, begin at half-past six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at half-past six o'clock in the morning and end at four o'clock in the afternoon; and

(*b.*) There shall be allowed to a woman, for meals and absence from work in a workshop during the period of employment, not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half.

When a workshop shall be deemed to be conducted on the system of notemploying children and young persons.

5. A workshop shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an Inspector a notice of his intention to conduct his workshop on that system.

Special regulations as to periods of employment of children, young persons and women, in domestic workshops.

6. Where children, young persons and women are employed at home, that is to say in a private house, place, or room, which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there, the foregoing regulations of this Act with respect to the employment of children, young persons, and women shall not apply to such factory or workshop, and in lieu thereof the following regulations shall be observed therein :—

1. No child or young person shall be employed in such factory or workshop except during the period of employment hereinafter mentioned ; and

2. The period of employment for a young person, shall, except on Saturday, begin at half-past six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four in the afternoon ; and

3. There shall be allowed to every young person, for meals and absence from work during the period of employment, not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half ; and

4. The period of employment for a child shall, on every day either begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening, or on Saturday at four o'clock in the afternoon ; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or in an afternoon set ; and

5. A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days, and a child shall not be employed on Saturday in any work before the hour of one o'clock in the afternoon, if on any other day in the same week he has been employed before that hour, nor after that hour, if on any other day of the same week he has been employed after that hour ; and

6. A child shall not be employed continuously more than four hours and a half without an interval of at least half an hour for a meal or absence from work.

MEALS.

Time for meals in factories, mills, etc.

7. With respect to meals the following regulations shall (save as is in this Act specially excepted) be observed in a factory, mill or workshop :

1. All children, young persons and women employed therein shall have the time allowed for meals at the same hour of the day ; and

2. A child, young person or woman shall not, during any part of the times allowed for meals in any factory or workshop, be employed in the factory or workshop, or be allowed to remain in the room in which the manufacturing process or handicraft is being carried on.

Holidays to be allowed.

8. All children and young persons whose hours of work are regulated and limited by this Act, shall be entitled to the following holidays, namely : On Christmas Day and Good Friday, the birthday of the Sovereign and Dominion Day, the entire day, and not fewer than eight half days besides in every year, such half days to be at such period or periods, together or separately, as may be most desirable and convenient, and as shall be determined upon by the master of such children and young persons, with the approval of the District or the Medical Inspector: Provided nevertheless, that the Inspector of factories, on proof to his satisfaction that the customs or exigencies of the trade require the alteration to be made, may by order to be advertised in the *Canada Gazette*, or otherwise published, in such manner as the Inspector may think fit, give permission with respect to any particular factory or class of factories for any one or more of the following things, namely :—

(*a.*) That four whole holidays in any year may be allowed as a substitute for the eight half holidays required to be given to every child, young person or woman by this Act ; or—

(*b.*) That the eight half holidays required to be given by this Act to all the children, young persons and women employed may be given on different days to any of the children, young persons and women, or to any sets of such children, young persons and women, and not at the same time ; or—

(*c.*) That children, young persons or women may be employed betweenone and seven of the clock in the afternoon on Saturday, provided that in any such factory or factories arrangements are made to the satisfaction of the Inspector for giving on some work-day in every week to every child, young person or woman, so employed a half holiday of equal

length, either at the beginning or at the end of their day's work, or—

(*d*) That such half holidays shall be given between the first day of May and the first day of November in each year.

SANITARY PROVISIONS.

Sanitary condition of factory or workshop.

9. No factory, mill or workshop shall, while work is carried on therein, be so overcrowded as to be dangerous to or prejudicial to the health of those employed therein ; and

1. Every factory, mill and workshop shall be kept in a cleanly state, and free from effluvia arising fromany drain, privyor other nuisance ; and where it appears to any Inspector or Medical Inspector under this Act that there is any act, neglect or default in relation to any drain, privy, earth closet, water closet, ashpit, water supply, nuisance or other matter in a factory, mill or workshop, he shall give notice in writing of such neglect, default or act to the master, manager, overseer or secretary of such factory, mill or workshop, who shall, without delay, take such action thereon as the said Inspector or Medical Inspector shall deem proper and necessary.

Protection of workers in wet spinning, etc.

10. After the expiration of six months after the passing of this Act, no child or young person shall be employed in any part of a factory in which the wet spinning of flax, hemp, jute or tow is carried on unless sufficient means shall be employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

Ventilation and prevention of dust in factories.

11. In every mill or factory where grinding, glazing or polishing on a wheel or any other process is carried on by which dust is generated and inhaled by the workmen to an injurious extent, if it appears to any Inspector or Medical Inspector of factories that such inhalation could be, to a great extent, prevented by the use of a fan or other mechanical means, it shall be lawful for the Medical Inspector to direct a fan or other mechanical means of such construction as may, from time to time, be approved by the Inspectors, to be provided by the owner, manager, superintendent, secretary, overseer or person in charge of the factory, within a reasonable time, and if such owner, manager, superintendent, secretary, overseer or person in charge fail to comply with such direction, he shall be deemed to have failed to have kept his factory in conformity with this Act, and shall be punishable accordingly.

Interior walls of buildings to be lime-washed, and ceilings whitewashed.

12. The interior walls, except such parts as are painted, of every mill or factory or building where the process of manufacturing is carried on, shall be lime-washed, and the ceilings of all rooms which have rooms or lofts above them, and all ceilings which are plastered, shall be whitewashed in the months of April and of October of each and every

year unless permission to the contrary in writing be granted by the Inspector, except in bleaching and dyeing works; and all such parts as are painted shall be washed with hot water and with soap in the months of April and of October in every year, and shall be repainted once in every six years.

Measures when infectious disease breaks out in factory.

13. And if the Medical Inspector shall find that any infectious or contagious disease has broken out or prevails in any workshop or factory, he shall without delay cause the removal of the parties so infected to some hospital, if there be an hospital, in the town, city or place where such workshop or factory is situated, take every precaution necessary to prevent the spread of such infectious or contagious disease, by isolation of the sick and other sanitary measures; cause the mill or factory to be thoroughly disinfected, and make such regulations as he may deem proper and necessary. He shall, in addition to the measures hereinbefore mentioned, in a place where there is no hospital accommodation, take the sick under his own medical charge, see that they are properly nursed and cared for, and provided with every necessary medical comfort. He shall also once in each week report to the Secretary of State the progress and present state of the disease, and its probable results, and any expenses incurred in consequence thereof, shall be discharged by the owner or owners of such mill or factory, *or by the municipality*

SAFETY.

Precautions as to machinery in motion.

14. No child or young person or woman shall be allowed to clean any part of the mill gearing or machinery in a factory, while the same is in motion, for the purpose of propelling any part of the manufacturing machinery, and no child or young person shall be allowed to work between the fixed and traversing part of any self-acting machine while the latter is in motion by the action of the steam-engine, water-wheel or other mechanical power.

Certain parts of machinery to be fenced.

15. Every fly-wheel directly connected with the steam-engine or water-wheel or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-wheel, and every hoist or teagle near to which children or young persons are liable to pass or be employed, and all parts of the mill gearing in a factory shall be securely fenced and every wheel-race or flume not otherwise secured shall be fenced by a close fence not less than four feet high, close to the edge of the wheel-race or flume, and the said protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam-engine, water-wheel, or other mechanical power for any manufacturing process; Provided always, that when it appears to the Inspector that the regulations of this Act relating to the fencing of machinery require to be modified in any particular trade, and that such modification can be made with due regard to the safety of the children, young persons and women employed, he may, by order, with respect to any particular factory or any class of factories, modify the said

Proviso: modification of regulations as to fencing.

regulations so far as such trade is concerned, upon such terms and in such manner as he thinks fit. Such order shall be advertized in the *Canada Gazette* or in a newspaper published in the city or town in which such mill or factory is situate, or otherwise published in such manner as the Inspector may think fit. Any regulations so modified by the said Inspector shall be of the same validity as if they had been the original regulations contained in this Act.

Fencing of vats, etc.

16. Where an Inspector or Medical Inspector considers that in a mill, factory or workshop, a vat, pan, or other structure, which is used in the process or handicraft carried on in such mill, factory or workshop, and near to or about which children, young persons or women are liable to pass or to be employed is so dangerous, by reason of its being empty, or by reason of its being filled with hot liquid or molten metal, or otherwise, as to be likely to be a cause of bodily injury to any child, young person or woman employed in the factory, mill or workshop, he shall serve on the manager or person in charge of the mill, factory or workshop a notice requiring him to fence such vat, pan, or other structure.

Penalty for not fixing grindstones securely.

17. If it appears to any Inspector or Medical Inspector that any grindstone worked by steam or other mechanical power in any mill or factory is in itself so faulty, or is fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using the same, or to any other person, such Inspector or Medical Inspector shall take the same proceedings, as nearly as may be, as he is required to take by the section in this Act with respect to machinery not securely fenced, and the owner, manager, superintendent, secretary, overseer or person in charge of the mill or factory shall be liable to the same penalties for not properly fixing the said grindstone as he would be liable to under the said section, in respect to any machinery found to be not properly fenced.

LOSS OF TIME OR OVERTIME.

Working up of lost time in cases of accident.

18. Where any extraordinary accident shall happen to the steam-engine, water-wheel, weirs or water-courses, main-shafting, main-gearing or gas apparatus of any such mill manufactory or buildings, by which not less than three hours' labor at any one time shall be lost, then and in every such case such time may be worked up at the rate of one hour a day in addition to the aforesaid and hereinafter restricted hours of labor for the twelve following working days, but not after.

Loss of time from the want or excess of water provided for.

19. And whereas during the periods of drought and floods and during the time occupied in the repairing of any of the canals, and when it may be necessary to let the water out of the said canals, or when, in consequence of a break in any of the canals, the power of water-wheels on some streams or on the said canal or canals is wholly interrupted or so far diminished that the machinery, or part or parts of the machinery, dependent upon such power cannot be regularly

worked at one and the same time, and in consequence thereof a certain portion of the time of such persons as are employed in the working of such machinery may be lost in each day during such periods of drought or floods or breakage. Be it therefore enacted that it shall be lawful for the Manager, Superintendent, Secretary, Overseer or person in charge of any workshop or factory or building where time is so lost, then and in every such case and, so often as the same shall happen, to extend the hours between which children and young persons are hereinbefore allowed to work namely, from eight of the clock in the morning till five of the clock in the evening, as hereinbefore limited, to such period as may in such case be necessary to prevent the loss of time, and no longer: Provided always, that no child or young person within the respective ages prescribed by this Act, shall be actually employed a greater number of hours within the twenty-four hours of any one day than this Act declares to be lawful; and provided also, that no child under ten years of age shall be employed after the hour of nine of the clock in the evening nor before the hour of half-past six of the clock in the morning.

Ensuring regularity in the observance of time.

20. The hours of the work of children and young persons in every factory or workshop shall be reckoned from the time when any child or young person shall first begin to work in the morning in such factory or workshop, and shall be regulated by a public clock or by some other clock open to the public view, to be approved of in either case in writing under the hand of the Inspector for the Province or the Medical Inspector of the district.

Employment of children, etc., in sets at different hours, and beyond legal limits of time.

21. Whereas the customs or exigencies of certain trades require that the children, young persons and women working in a factory, or in certain processes in a factory, or that certain sets of such children, young persons or women, or any of them, should be employed at different hours, and that the limits of time within which they, or certain sets of them, may be employed should be extended without increasing their legal hours of work, it is hereby declared that, on due proof to the satisfaction of the Inspector or Medical Inspector of such customs or exigencies existing in trade, it shall be lawful for such Inspector or Medical Inspector from time to time, by order to be advertized in the *Canada Gazette*, or otherwise published as the said Inspector may think fit, to give permission that in any factory or class of factories in which such trade is carried on, the manager or person in charge may employ the children, young persons and women working in his factory, or any process of his factory, or any sets of such children, young persons or women, or any of them, between the hours of six in the morning and eight in the evening, or between the hours of six in the morning and nine in the evening, instead of between the hours of eight in the morning and five in the evening, for any time in such order specified, or until further order or on any day or days named in such order, and as far as respects the persons referred to in any order given as aforesaid, all the

provisions of this Act affected by such change of hours shall, during the continuance of such order, be read as if the hours of six in the morning and eight in the evening, or six in the morning and nine in the evening, as circumstances may require, were throughout such Act substituted for the hours of eight in the morning and five in the evening.

Proviso: hours of attendance to be hung up in factories.

Provided:—1st. That notice of the hours between which children, young persons and women, or each set of them, are to be employed, in such form as the Inspector may direct, and signed by the Inspector for the Province, and the manager or person in charge of such factory, shall be hung up and be kept hung up during the period affected by such notice, in such conspicuous place in the factory as may be required by the Inspector or Medical Inspector.

Proviso: Saturday afternoons to be a holiday.

2nd. Except in pursuance of the provisions contained in other parts of this Act, no child, young person or woman shall be employed after the hour of four o'clock in the afternoon on Saturday, but it shall be lawful in places where any children, young persons or women are engaged in accordance with an order given under the foregoing enactment, to begin to employ such children, young persons or women at six o'clock in the morning on Saturday.

Extra length of work time to be entered in register.

22. When, under the modifications contained in this Act, any child, young person or woman is employed on any day for a longer period than is allowed by this Act, the day on which and the period during which he or she is so employed, shall be entered by the owner, manager, superintendent, secretary, overseer or person in charge of a factory in a register, which shall be in such form as the Inspector may direct, and shall be deemed to be a register within the meaning of this Act.

Certain children in factories to attend school.

23. From and after the passing of this Act, every child employed in any factory or workshop shall attend the public or common school nearest the residence of such child, unless the parent or guardian of such child shall be a supporter of a separate school, when, and in such case, the child shall attend the separate school of which the parent or guardian is a supporter, as follows:

1. Every child, when employed in a morning or afternoon set, shall, in every week during any part of which he is so employed, attend on each work day for at least one attendance; and

2. Every child, when employed on the alternate day system, shall, on each work day preceding such day of employment, attend for at least two attendances:

3. An attendance shall mean the morning or afternoon period of school hours as fixed by the laws of the Province in which the factory or workshop is situate:

Provided that

(*a.*) No child shall be required to attend school on Saturday, or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed :

(*b.*) A child who has not in any week attended school for all the attendances required by this section shall not be employed in the following week until he has attended school for the deficient number of attendances, unless his non-attendance has been caused by sickness or other unavoidable cause certified by the school teacher.

Owners, etc., of factories to obtain certificate of child's attendance at school.

24. After the passing of this Act the owner, manager, superintendent, secretary, overseer, or person in charge of every mill or factory shall, before employing any child therein, obtain from a school teacher a certificate according to one of the forms and according to the directions given in the schedule marked D to this Act annexed, that such child had attended school for at least twenty days and not less than one hundred and twenty hours during one month preceding the employment of such child; and a like certificate shall be obtained on the Monday of each week during which the employment of such child shall be continued in that mill or factory, and such owner, manager, superintendent, overseer, or person in charge shall keep every such certificate so long as such child shall continue in his employment for two calendar months after the date thereof, and shall produce the same to any Inspector or Medical Inspector when required during such period.

Penalty for acting and employing children contrary to the provisions of this Act.

25. In case of the employment of any child contrary to the provisions of this Act, or for a longer time than is hereinbefore limited and allowed, or without a due compliance with the provisions of this Act, touching the education of children or the certificates of the medical inspectors, police magistrates or justices of the peace, the parent or parents of such child, or any person having any benefit from the wages of such child, shall be liable to a penalty of not more than five dollars, nor less than one dollar, unless it shall appear to the satisfaction of the Police Magistrate or Justice of the Peace that such unlawful employment has been without the wilful default of such parent or person so benefitted as aforesaid

MEDICAL CERTIFICATE.

Children not to be employed a medical certificate.

26. From and after the expiration of one month after the passing of this Act it shall not be lawful for any person to employ, keep, or allow to remain in any factory or mill, any child who shall not have completed his or her tenth year of age, without such certificate as is hereinafter mentioned, certifying such child to be of the ordinary strength and appearance of a child of the age of ten years, nor from and after the passing of this Act, any young person, that is to say, a child who has not completed his thirteenth year,

without a certificate of the same form, which certificate shall be taken to be sufficient evidence of the age certified therein; and a Medical Inspector shall not grant any medical certificate required by this Act, except upon personal inspection of the person named therein, and no Medical Inspector shall examine any person for the purposes of this Act, or sign or issue any such medical certificate elsewhere than at the factory where such person is to be employed, unless for special cause to be allowed by the Inspector: and if a Medical Inspector shall refuse to grant a certificate of age for any person presented to him for such examination, he shall give, when required, instead of such certificate, a paper specifying under his hand the reasons for such refusal in the form and directions given in the Schedule D to this Act annexed:

Certificate of real age may be obtained.

And in case any person shall be desirous of proving the real age of any person, for whom a Medical Inspector shall have refused to grant a certificate of age for the purposes of this Act, or whose certificate the Inspector shall have annulled, the Inspector or Medical Inspector shall, on demand, give to such person a requisition under his hand in a form to be approved of by the Inspectors and by the Secretary of State, for the production of a duly certified copy of the entry of the birth or baptism of such person, provided the party demanding the same shall declare the names of such person and of his parents, with the place, where and the year in which he was born or baptized, which particulars shall be set forth in the requisition, and every party to whom such requisition shall have been given shall be entitled, upon payment of twenty-five cents, to receive on personal application, or on application in writing in such form and under such regulations as shall be approved of by the Inspectors and Secretary of State, from any minister, registrar or other person having the care of any register of births or baptisms in which the birth or baptism of such person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the minister, registrar or other person having charge of such register, and such payment of twenty-five cents shall be instead of all other fees or payments, to which such minister, registrar or other person shall be entitled, and if the said certified copy proving the age of the person named therein to be such as to entitle him to have the medical certificate required, shall be produced to the Medical Inspector, he shall examine the same, and if it shall appear to him that the said certified copy has not been altered or falsified in any way, the Medical Inspector shall thereupon, without further fee or reward, give a medical certificate in the form provided for that case in schedule D to this Act annexed, and shall write the word "examined" upon the certified copy of the entry of the birth or baptism which he shall have received, with his signature and the date of such signature, and shall send such certified copy by the post to the Inspector, who shall send a receipt for the same by post to the said Medical Inspector, and shall keep such certified copy of the entry of the birth or baptism for future reference, if

necessary; and if any Inspector of factories shall require a certified copy of the entry of the birth of any person employed in any factory or workshop from the office of the clerk of any municipality or from any church register, he or any person employed or deputed by him shall, on procuring a requisition in the form hereinbefore provided, be entitled to examine the indexes of the registers in the municipality or vestry, and to receive such certified copy indorsed on the requisition without the payment of any fee, but no certified copy of the entry of any birth or baptism issued in consequence of any such requisition hereinbefore provided shall be admissible in evidence in any Court, or for any purpose save for the purposes of this Act. Provided always, that in those cases in which a medical certificate shall have been refused or annulled in consequence of deficient health or strength, or by reason of disease or bodily infirmity, the Inspector or Medical Inspector shall not sign the requisition hereinbefore mentioned, and such person shall not be employed on proof of real age only:

Proviso: persons not to be employed if deficient in health.

Medical certificate to be obtained before the person is employed, and to serve only for original factory.

And that before employing any person requiring a medical certificate under this Act, the manager, superintendent, secretary, overseer or person in charge of the factory shall obtain the medical certificate, save as hereinafter excepted, and shall keep and be bound to produce every such certificate when required to the Inspector or Medical Inspector; and no medical certificate shall be valid except for employment at the factory for which it was originally granted, or if granted by a Medical Inspector of any other factory under the management and control of the same person who is manager, superintendent, secretary, or overseer of the factory for which the certificate was originally granted; provided such other factory be in the district of the Medical Inspector who granted the certificate, and the certificate be produced in the factory where the person named in the certificate is at work; and the Medical Inspector, as often as he shall visit a factory for the purpose of granting certificates, shall enter in the register of workers the date of his visit and the other particulars set forth in the form and according to the directions given in schedule E to this Act annexed:

Certificate may be dispensed with in certain cases.

Provided always, that no manager, superintendent, overseer or person in charge of any factory, shall be liable to any penalty for employing any person in any manner not contrary to the provisions to this Act, without a medical certificate, for any time not exceeding three working days, or when the Medical Inspector shall reside more than three miles from the factory, for any time not exceeding six working days; Provided all medical certificates for that factory be granted only by the Medical Inspector appointed for that factory; but this enactment shall not be construed to dispense with the certificate of school attendance, or to authorize the employment of any person in respect of whom the Medical Inspector shall have refused to grant such medical certificate.

Proviso: Certificate must be granted by medical Inspector of factory.

27. Provided, nevertheless, that the penalties and punishments hereinafter or hereinbefore provided against any person not requiring or not receiving such certificate, shall not be levied if, upon the complaint or proceeding for the enforcement of such penalties, it shall appear to the satisfaction of the Police Magistrate or Justice of the Peace by or before whom such proceeding shall be had, that the person so employed more than eight hours in the day, or between the hours of seven o'clock in the evening or six o'clock in the morning, without such certificate, was, at the time of the alleged offence, above the age of ten years. No penalties against persons above required age.

28. The certificates hereinbefore required in the case of children under the age of thirteen years respectively shall be in the form and according to the directions in schedule D to this Act annexed. Form of medical certificate.

29. Medical certificates given by a Medical Inspector shall not be invalid solely on account of the employment of the child or young person named in such certificate in a factory other than that for which the certificate was originally granted, if such factory is within the district of such Medical Inspector. Validity of medical certificate.

30. In case any Police Magistrate or Justice of the Peace shall refuse to countersign any such certificate, he shall state in writing his reasons for such refusal, and the parents of such child may thereupon take the certificate to the County Judge of the county or district in which the child resides, who is hereby empowered and required to decide upon the validity of such refusal; and every such act of any such County Judge shall be free of all charge, cost or expense whatsoever. Provision if Magistrate refuses to sign certificate.

INSPECTORS.

31. Within three months after the passing of this Act, it shall be lawful for the Governor General in Council to appoint one or more Inspectors of factories and places where the labor of children and young persons and women is employed, and such clerks and servants as he may think necessary for the execution of this Act, and such Inspectors, clerks and servants shall be paid such salary as may be determined by the Governor General in Council, and in the case of the death or dismissal or resignation of any of them to appoint another in the place of such deceased, dismissed or resigned Inspector, clerk or servant, which said several Inspectors shall carry into effect the powers, authorities and provisions of the present Act; and such Inspectors are hereby empowered to enter into any factory, workshop or mill over which they may have jurisdiction under the provisions of this Act, and any school attached or belonging thereto, at all times and seasons, by day or by night, when such mills or factories are at work, and having so entered to examine therein the children and any other person or persons employed therein, and to make enquiry respecting their condition, employment and education; and such Inspectors are hereby Appointment of Inspectors of factories.

empowered to take or call to their aid in such examination and inquiry such persons as they may choose, and to summon and require any person upon the spot or elsewhere to give evidence upon such examination and enquiry, and to administer to such persons an oath.

Further powers and duties of Inspectors for enforcement of this Act.

32. The said Inspectors shall have power, and are hereby required, to make all such rules, regulations and orders as may be necessary for the due execution of this Act; and such Inspectors are also hereby authorized and required to enforce the attendance at school of children employed in factories, according to the provisions of this Act, and to order tickets, or such other means as they may see fit, for vouchers of attendance at school, and such Inspectors are hereby required to regulate the custody of such tickets or vouchers, and such Inspectors may require a register of them to be kept in every school and factory; and such Inspectors are hereby also authorized and required to order a register of the children employed in any factory, and of their sex and hours of attendance, and of their absence on account of sickness, to be kept in such factory; and all registers, books, entries, accounts and papers kept in pursuance of this Act shall be at all times open to such Inspectors; and such Inspectors may take or cause to be taken for their own use such copy as they may think proper, and such Inspectors shall also make such regulations as may be proper to continue in force any certificates, tickets or vouchers required by this Act, and such certificates, tickets or vouchers so continued in force shall have the same operation and effect as new certificates, tickets and vouchers; and such Inspector or Inspectors shall order, and are hereby authorized to order, the manager, superintendent, secretary or other person in charge of any factory or mill to register, or cause to be registered any information with relation to the performance of any labor in such mill or factory, if such Inspectors deem such information necessary to facilitate the due enforcement of any of the provisions of this Act, or of any of the regulations which may be made under the authority of this Act; and such Inspector or Inspectors are hereby authorized to order such manager, superintendent, secretary, overseer or person in charge of any mill or factory to transmit, in such manner as may be directed in such order, any information with relation to the persons employed or the labor performed in such mill or factory that such Inspector or Inspectors may deem requisite to facilitate the performance of his or their duties, or any inquiry made under the authority of this Act

Appointment of medical Inspectors.

33. It shall be lawful for the Governor General in Council to appoint for any county, village, town or city or place, in which any factory or mill may be situated, a Medical Inspector, who shall be a legally qualified medical practitioner, according to the laws of the Province in which he may reside, and in which the factory or workshop over which he shall have supervision may be situated, to superintend, under the direction of the Inspector for such Province, the execu-

tion of the provisions of this Act, and of all rules, regulations and orders made under the authority thereof, and such person shall be paid by such salary or by such fees as may be determined by the Governor General in Council; and such person so appointed shall have authority to enter any school-room, counting-house, or any part of any factory or mill, excepting such part or parts as may not be used for manufacturing processes, and if any constable or peace officer shall be required by any Inspector or Medical Inspector to perform any continuous service, it shall be lawful for such Inspector to allow a special recompense to such constable or peace officer for such service: Provided, nevertheless, that any such orders may be altered or disallowed by the Governor General in Council, upon complaint made by memorial from any party interested.

Salary and powers of.

Proviso: disallowance of his orders.

34. Every Inspector shall keep full minutes of all his visits and proceedings, and shall report the same to the Secretary of State for the Dominion of Canada twice in every year, and oftener if required; and shall also report the state and condition of the factories or mills, and of the children employed therein, and whether such factories or mills are or are not conducted according to the directions of this Act.

Inspector to report semi-annually to Secretary of State.

35. And whereas it is expedient that the proceedings, rules, orders and regulations of the Inspectors appointed under this Act should be as nearly alike as is practicable under all circumstances; therefore, such Inspectors are hereby required, within three months next after they shall have commenced the execution of their several duties and powers under this Act, and twice, at least, in every year afterwards, to meet and confer together at the city of Ottawa, respecting their several proceedings, rules, orders, regulations, duties and powers under this Act, and at such meetings to make their proceedings, rules, orders and regulations as uniform as is expedient and practicable; and such Inspectors are hereby required to make and keep full minutes of such meetings, and to report the same to the Secretary of State when they make the report herein required, which said orders, rules and regulations must be approved by the Governor General in Council, an dbe published in the *Canada Gazette*, and in one newspaper in each city, town or county in which there is a factory.

Rules and regulations of Inspectors to be uniform.

36. Every Inspector or Medical Inspector of factories shall be furnished with such certificate of his appointment as the Secretary of State may direct, and on applying for admission to any mill or factory, such Inspector or Medical Inspector shall, if required, produce to the owner, manager, superintendent, secretary, overseer or person in charge, the said certificate.

Inspector or Medical Inspector to be furnished with certificate of appointment.

37. Each Inspector shall have the same powers, authority and jurisdiction over Constables and Peace Officers, as regards the execution of the provisions of this Act, as may by law be exercised by Her Majesty's Justices of the Peace over such Constables and Peace Officers.

Jurisdiction of Inspector over constables, etc.

LEGAL PROCEEDINGS.

Proceedings under Act may be had before J. P.

38. All proceedings for the enforcement of any penalty or punishment imposed by or under the authority of this Act, may be had before a Police Magistrate or Justice of the Peace acting in or for the city, town, place, county or division where the offence shall be committed, and the Police Magistrate or Justice of the Peace before whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this Act, may adjudge that such person shall pay the same either immediately or within such period as such Police Magistrate or Justice of the Peace shall think fit, and in case that such sum of money shall not be paid immediately, or at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, together with the reasonable charges of such distress, and for want of sufficient distress, such offender shall be imprisoned in the common gaol for any term not exceeding one calendar month where the sum to be paid does not exceed twenty dollars, or for any term not exceeding two calendar months in any one case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

Complaints to be preferred at Inspector's visit, after notice.

39. All complaints for offences against this Act shall be preferred at or before the time of the visit duly notified of the Inspector or Medical Inspector next after the commission of such offence, and written notice of the intention to prefer the complaint for such offence shall by the complainant be given within fourteen days after the commission of such offence to the party or parties complained against; Provided always, that no more than one penalty for the repetition of the same offence shall be recoverable, except after the service of the written notice as aforesaid.

Proviso: Repetition of offence.

In case of partnership, one name sufficient in summons.

40. It shall not be deemed necessary, in any summons or warrant issued in pursuance of this Act, to set forth the name or other designation of each and every the partners in any such mill or factory, but it shall be lawful to insert in such summons or warrant the name of the manager, superintendent, secretary, overseer or person in charge of such mill or factory, or the title of the firm or company employing the workpeople of every such mill or factory, as usually designated and known.

Issue of summons for offences against Act.

41. A summons for an offence against this Act shall be issued by a Police Magistrate, or by any Justice of the Peace, upon complaint being made to him in writing by an Inspector or Medical Inspector, or upon oath before him by any other person, that to the best of the knowledge and belief of the Inspector, Medical Inspector or such other person, such an offence has been committed.

Service of summons.

42. The service of such summons or warrant on any manager, superintendent, secretary, overseer or person in charge of any such mill or factory, shall be good and lawful service.

J.P., etc., may enforce attendance of witnesses.

43. Any Police Magistrate or Justice of the Peace, upon any complaint under this Act, may summon any witness to appear and give evidence at any time and place appointed for hearing such complaint, and by warrant under his hand and seal may require any person to be brought before the Police Magistrate or Justices of the Peace, by whom the complaint shall be heard, who shall neglect or refuse to appear at the time and place appointed in any summons,—proof, upon oath, being first given of personal service of the summons upon the person against whom such warrant shall be granted,—and may commit any person coming or brought before such Police Magistrate or Justices, who shall refuse to give evidence, to the common gaol of the place or county where such offence was committed, there to remain for any time not exceeding three months, or until such person shall sooner submit himself to be examined; and in case of such submission, the order of any Police Magistrate or Justice of the Peace shall be a sufficient warrant to any gaoler for the discharge of such person.

Errors in form, name, nature of factory, etc., not to vitiate proceedings.

44. No information, conviction or other proceeding or any complaint for an offence against this Act shall be quashed or deemed illegal for matter of form, or for any averment unnecessary to be proved, or the omission of any word in any case in which such insertion or such omission respectively do not affect the essence of the offence, nor for the wrong designation of a name, or time, or place where the person, time and place intended shall have been so stated as to have been, in the opinion of the Police Magistrate or Justices of the Peace, by whom the complaint shall have been heard, clearly understood by the person charged with such offence; and it shall not be necessary in any information, conviction or other proceeding under this Act to define the process carried on in such factory, or nature of the power by which the machinery of such factory is moved, or to set out that the factory or process of employment referred to is not within any of the cases excepted, provided that it be therein stated that such factory is a factory within this Act, and the proof of being within any such excepted case shall lie upon the party claiming the benefit of such exception.

Appeal from conviction, after notice, recognizance, etc.

45. Any person aggrieved by any such conviction for which an appeal is allowed by this Act, may appeal to the next Court of Quarter Sessions or County Court which shall be holden in the county or other jurisdiction wherein the cause of complaint shall have arisen. Provided, that the person so intending an appeal shall give to the Inspector or Medical Inspector of the district notice in writing of such appeal, and of the cause and matter thereof, within four days after the conviction or order, and eight clear days, at least, before such County Court or Court of Quarter Sessions, and shall also enter into a recognizance with two sufficient sureties before a Police Magistrate or Justice of the Peace for the county or other jurisdiction, eight clear days, at least, before such court, conditioned

personally to appear at the said court and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as shall be by the court awarded, and the court shall hear and determine the matter of appeal and shall make such order thereon as to the court shall seem meet, and in the case of the dismissal of the appeal or the affirmance of the conviction or order, the court shall adjudge and order the party to be punished according to the conviction or to obey the order appealed against, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

Application of penalties.

(2.) Any Police Magistrate or Justice of the Peace by whom any complaint under this Act is determined shall, if he so thinks fit, give to the complainant or prosecutor one-half of any penalty imposed for any offence against any of the provisions of this Act, together with all costs of prosecution and conviction, and the remainder of the penalty or the whole, if he shall think fit, shall be applied as such Inspector, Medical Inspector, Police Magistrate or Justice of the Peace may direct, for the benefit of any school wherein children employed in mills or factories are educated, in such place where such offence shall be committed. Provided always, that only one penalty shall be recoverable for any one description of offence from any one person for any one day, and that it shall be deemed necessary for the complainant or prosecutor to name in any summons the particular place in which such offence shall have been committed; but it shall be lawful in such summons to set forth the name of the city, town, village, township or county where such offence may have been committed. Provided always, that such summons shall be issued upon complaint being made upon oath.

Restriction as to penalties recoverable.

Proviso: Summons issued on oath.

Place for sittings of J. P., etc.

(3.) Every Police Magistrate or Justice of the Peace shall be and is hereby authorized to provide a convenient place for holding any sitting, and the expense of providing such place shall be defrayed in the manner and proportions, and by the person or persons herein appointed for the payment of any special remuneration to any constable or peace officer.

Who may exercise powers of Justices.

46. In all cases in which a Police Magistrate or Justice of the Peace is required or empowered to do anything under this Act, or is named therein, no complaint preferred for any offence against this Act, committed in a factory, shall be heard by a Police Magistrate or Justice of the Peace, being the owner, manager, superintendent, secretary, overseer or person in charge of the mill or factory, or being the father, son or brother of the owner, manager, superintendent, secretary, overseer or person in charge of the mill or factory in which the offence set forth in the complaint shall have been committed.

Complaints to be preferred within two weeks.

47. All complaints for offences against this Act shall be preferred within two weeks next after the commission of the offence, except in all cases of complaints for offences pun-

ishable at discretion by fine or imprisonment, or for working on the Saturday afternoons or on Sundays, or for not giving all or any of the time for holidays required to be given, in each of which cases the complaints may be preferred within three months next after the commission of the offence, and no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty hereinafter named for such offence, unless such repetition of an offence shall have been committed after a complaint shall have been made for the previous offence, and except also for offences of employing two or more children or young persons contrary to law.

Repetition of offences.

48. Every person who shall be summoned to answer any complaint, shall be bound to appear at the time and place mentioned in the summons, and to produce before the Police Magistrate or Justice of the Peace, then and there present, every register or other account, paper or notice required by law to be kept by him or his agent, which shall be mentioned in the summons, and if he shall not appear accordingly, then (upon proof of due service of the summons) the Police Magistrate or Justice of the Peace may either hear and determine the case in his absence, or issue his warrant as hereinafter provided for enforcing his attendance and the attendance of any witness who shall refuse or neglect to appear.

Compelling parties summoned to appear and produce registers, etc.

49. Whenever any person shall be convicted of any offence against this Act, the Clerk of the Peace where such conviction shall have been filed shall, upon the request in writing of any Inspector or Medical Inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy, and every such copy shall be received as evidence of such conviction upon any future proceedings under this Act, and for every such copy the Clerk shall be entitled to have a fee of fifty cents, and no more.

Evidence of former convictions.

50. Every conviction under this Act may be in the form given in the schedule A to this Act, annexed, or in any other form more suitable to the case, and shall be certified or returned to the Clerk of the Peace, there to be filed amongst the records of the county.

Form of conviction, and how filed.

51. It shall be no objection to the competency of any Inspector or Medical Inspector to give evidence as a witness in any prosecution under this Act that it is brought at the instance of such Inspector or Medical Inspector.

Inspector and Medical Inspector to be competent witnesses.

MISCELLANEOUS.

52. After the passing of this Act, every person on beginning to occupy a factory or workshop shall, within one month, send, addressed to the Secretary of State at Ottawa, a written notice containing the name of the factory or workshop, the village, or town, or city, or township, or county, and province where it is situated, the post office to which he

Persons starting factories to send particulars to Secretary of State.

desires his letters to be addressed, the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the factory is to be carried on.

Registers to be kept in every factory.

53. Registers shall be kept in the factory or workshop to which they relate by the manager, superintendent, secretary, overseer or person in charge of every factory or workshop according to the forms and directions given in schedule E to this Act annexed; and every Inspector or Medical Inspector shall have power to require such manager, superintendent, secretary, overseer or person in charge to send to him in such manner as may be directed in the requisition, any extracts from such registers and any other information with relation to the persons employed in the workshop or factory which may be requisite to facilitate the performance of the duties of such Inspector in any enquiry made under the authority of this Act; but no information so sent by the manager, superintendent, secretary, overseer or person in charge of any factory or workshop which is not contained in the registers, certificates and other documents required by this Act to be received or kept, shall be admissible in evidence in any proceeding against him for the recovery of any penalty; and the registers, certificates and other documents required by this Act to be received or kept shall be forthwith produced to the Inspector or Medical Inspector on his demanding to examine the same at any time when the factory is at work.

Contents alone to be admissible in evidence.

May be examined by Inspector, etc.

Punishment for forging certificate, etc.

54. If any person shall give, sign, countersign, endorse, or in any manner give currency to any false certificate, knowing the same to be untrue, or if any person shall forge any certificate, or shall forge any signature or endorsement on any certificate, or shall knowingly and wilfully give false testimony on any point material to any certificate of any Inspector, Medical Inspector or school teacher, such person shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any Police Magistrate or Justice of the Peace, be liable to be imprisoned in the county gaol for any period not exceeding two months.

Penalty for keeping child on mill premises more than five hours.

55. If any child within the several ages hereinbefore restricted to the performance of ten hours of day labor shall be kept or allowed to remain in any room or place whatsoever where any machinery is used, or shall be kept or allowed to remain on any premises within the outer walls of any factory or workshop for any longer time than five hours during any one day, or for any longer time than the residue of such five hours in the case of any child which has been previously employed for any shorter time during the same day in any other factory or workshop, the owner, manager, superintendent, overseer, or person in charge of such factory or mill, without any evidence of the employment of such child, shall be liable to the same penalty and punishment as for employing such child for such longer period: Provided, nevertheless, that no place, yard, or playground open to the public view, shall be considered part of the premises on which

Exception as to playgrounds and schools.

children shall not be allowed to remain beyond the hours hereinbefore stated. And be it further provided, that the children may be allowed to remain in any school-room attached to such factory or mill, or in any other waiting-room or parts of the premises where no machinery is used and which shall at all times be open to the inspection of the Inspector, Medical Inspector or any peace officer duly appointed under the provisions of this Act.

Notice of any general order made by Inspector.

56. The notice of any general order or regulation applying to more than one workshop or factory made by any Inspector, if published for two successive weeks in one or more newspapers published in the city, town, place or county where any such mill or factory is situate, shall, in all cases, at the end of seven days after the second publication thereof, have the same effect in attaching a responsibility upon any offender against such order or regulation as a notice personally served upon such offender. Provided, nevertheless, that such notice shall not be to the exclusion of any other special notice which any Inspector or Medical Inspector may deem expedient or proper.

Night work allowed in paper mill.

57. Where the owner, manager, superintendent, secretary, overseer or person in charge of any workshop or factory proves to the satisfaction of the Inspector that such owner, manager, superintendent, secretary, overseer or person in charge was at the time of the passing of this Act employing, and had for not less than one month previously to such passing, employed young persons and women at night, and further proves that he cannot, without a considerable interval of time, alter his machinery so as to dispense with such employment, it shall be lawful for the said Inspector, by order, to authorize the employment by such owner, manager, superintendent or person in charge until some day not later than six months of young persons and women, in such manner and for such times as had previously been customary in the said workshop or factory.

Inspector or Medical Inspector to give notice of dangerous machinery.

58. If an Inspector or Medical Inspector shall observe in a mill, factory or workshop any part of the machinery of any kind or description, or any driving-strap or band, not securely fenced, which he shall deem likely to cause bodily injury to any person employed in such mill or factory, he shall give notice in writing to the owner, manager, superintendent, secretary, overseer or person in charge of such mill or factory, of such part of the machinery or such strap or band as he shall deem to be dangerous, according to the form and directions given in schedule G to this Act annexed, and the owner, manager, superintendent, overseer or person in charge of such factory shall sign a duplicate copy of such notice in acknowledgment of having received it: Provided always, that, upon an application in writing made by the owner, manager, superintendent, secretary, overseer or person in charge of the mill or factory, within six days after he shall have received such notice, two arbitrators skilled in the construction of that kind of machinery to which such no-

Appointment of arbitrators to examine machinery.

tice refers shall be appointed, one of whom shall be named by the owner, manager, superintendent, overseer or person in charge of the factory, in the aforesaid application, and the other by the Inspector of the Province or the Medical Inspector of the district, with the least possible delay after he shall have received such application, and the said arbitrators shall proceed to examine the machinery alleged to be dangerous within four days of the appointment of the arbitrator named by the Inspector or Medical Inspector; and if the arbitrators so appointed shall not agree in opinion, the said arbitrators shall choose a third arbitrator possessing a similar knowledge of machinery, and if the said arbitrators, or any two of them, shall sign an opinion in writing addressed to the Inspector or Medical Inspector, that it is unnecessary or impossible to fence the machinery, or strap, or band alleged in the notice to be dangerous, the Inspector for the Province, or the Medical Inspector of the District, on the receipt of the same, shall cancel the said notice. And if the decision of the arbitrators shall be that it is impossible or unnecessary to fence the machinery so alleged to be dangerous, the expense of such reference shall be paid as other expenses under this Act; but if the decision of the arbitrators shall be that it is necessary and possible to fence the said machinery, then the expense of the reference shall be paid by the owner, manager, superintendent, overseer or person in charge of the factory, and shall be recoverable as the penalties under this Act are recoverable; and the owner, manager, superintendent, secretary, overseer or person in charge of the factory shall be liable to a penalty of not less than twenty dollars and not more than fifty dollars if he do not within a reasonable time after such notice or decision (as the case may be), cause such machinery, strap or band to be well and securely fenced, and at all times thereafter keep the same well and securely fenced.

Expenses of reference, how paid.

Notice to be given of accident causing bodily injury.

59. If any accident shall occur in a factory or workshop which shall cause any bodily injury to any person employed therein, the manager, superintendent, secretary, overseer or person in charge of the factory shall immediately send a notice thereof in writing to the Medical Inspector for the district in which the factory is situated, in which notice the place of residence of the person injured, or the place to which he may have been removed shall be stated, and the Medical Inspector shall send a copy of such notice to the Provincial Inspector by the first post after the receipt thereof.

Investigation by Medical Inspector of cause of accident, and report thereon.

60. If a Medical Inspector shall receive notice as aforesaid, that an accident has occurred which has occasioned bodily injury to any person employed in a mill or factory for which he has been appointed, he shall with the least possible delay, proceed to the said mill or factory and make a full investigation as to the nature and cause of such bodily injury, and shall within the next twenty-four hours send to the Inspector of the Province a report thereof, a copy of which report, together with any other information he may

receive in connection with the said accident the Inspector for the Province shall send to the office of the Secretary of State at Ottawa, as soon as conveniently may be; and the Medical Inspector shall have power to enter any room in any building to which the injured party may have been removed, and for such investigation the said Medical Inspector shall receive a fee not exceeding four dollars or such part thereof, not being less than one dollar, as the Inspector of the Province may consider a reasonable remuneration to the Medical Inspector for his trouble, which fee shall be paid as other expenses, incurred under this Act.

Prosecution by Inspector for compensation.

61. The Secretary of State, on the report and recommendation of an Inspector, may empower such Inspector to direct one or more actions to be brought in the name and on behalf of any person who shall be reported by such Inspector to have received any bodily injury from the machinery of any factory or workshop for the recovery of damages for and on behalf of such person.

Application of damages when recovered.

62. Any damages which shall be recovered in any action so directed to be brought, shall be paid to the person in whose behalf they have been recovered, or shall be otherwise settled for the use and benefit of the said person, in such manner as shall be approved of by the Secretary of State, and in case a verdict shall be found for the defendant, or judgment shall be recovered against the plaintiff, or the plaintiff shall be non-suited, the defendant shall have the like remedies for his costs against the Inspector as he might have had against the plaintiff, and all charges and expenses incurred in bringing any such action beyond what are recovered from the defendant, and not otherwise provided for, shall be paid as other expenses incurred under this Act are to be paid.

Penalty for not fencing dangerous machinery after notice, and subsequent accident.

63. If any person be killed, or shall suffer any bodily injury in consequence of the owner, manager, superintendent, secretary, overseer or person in charge of a workshop or factory, having neglected to fence any part of the machinery, or any hoist or teagle, or any wheel-race required by this Act to be securely fenced, or having neglected to fence any part of the machinery or any driving strap or band in the workshop or factory, of which he shall have received notice in writing from any Inspector or Medical-Inspector, as hereinbefore provided, that the same was deemed to be dangerous, the owner, manager, superintendent, secretary, overseer or person in charge of the factory or workshop shall pay a penalty of not less than one hundred dollars, and not more than one thousand dollars, and the whole or any part of such penalty may be applied for the benefit of the injured person, or otherwise, as the Secretary of State may determine, and so much of such penalty as shall not be applied as aforesaid shall be applied as other penalties under this Act: Provided always, that the owner, manager, superintendent, secretary, overseer or person in charge of the workshop or factory shall not be liable to any such penalty if the notice which he shall have received from an Inspector or Medical

Proviso: Owner not liable in certain cases.

Inspector shall have been cancelled, as hereinbefore provided, or that in any proceedings against an owner, manager, superintendent, secretary, overseer or person in charge of a factory for not securely fencing that part of the machinery, hoist, teagle or wheel-race, by which such bodily injury was inflicted, the complaint shall have been heard and dismissed previous to the time when such bodily injury was inflicted.

Abstract of Act and regulations to be held up in Mills.

64. A copy or copies of an abstract of this Act, and also such copy or copies of any regulation or regulations made in pursuance of this Act as any Inspector shall direct, shall be hung up and fixed in a conspicuous part or in the several departments of every workshop or factory ; and such copy or copies of such abstract and of such rules or regulations so hung up and affixed, shall be signed by the master, or manager, or overseer of such workshop or factory, and such copy or copies shall be renewed by such master, manager or overseer so often as the Inspector or Medical Inspector may direct.

Notice of complaint of unguarded machinery.

65. Notice, in writing, of an intention to prefer a complaint that a child or young person had been employed in a factory in which sufficient means had not been employed or continued for protecting the workers from being wetted, or for preventing the escape of steam into the room occupied by the workers, or that any part of the aforesaid machinery, hoist or teagle or wheel-race or flume has not been securely fenced, shall be given four days at least previous to the day fixed for hearing the complaint ; and if the party complained against intend to bring forward any millwright or other person skilled in the construction of the aforesaid machinery as a witness at the hearing of the case, he shall give notice in writing of such intention to the Inspector or Medical Inspector, who shall be the complainant, forty-eight hours previous to the day fixed for hearing the case.

Witnesses.

Agent and servants to be personally responsible for offences against this Act.

66. If any offence shall be committed against this Act for which the master of any workshop or factory is legally responsible, and it shall appear to the satisfaction of any Police Magistrate or Justice of the Peace that the same has been committed without the personal consent, concurrence or knowledge of such master, by or under the authority of some agent, or servant, or workman of such master, it shall be lawful for such Police Magistrate or Justice of the Peace to summon such agent, or servant, or workman before him to answer for such offence, and such agent, or servant, or workman shall be liable to the penalties and punishment for such offence herein provided, and such Police Magistrate or Justice of the Peace shall convict such agent, or servant, or workman in lieu of such master.

Penalty as respects employer for offences against this Act.

67. If any employer of children in any factory or workshop shall, by himself or by his servants or workmen, offend against any of the provisions of this Act, or any order or regulation of any Inspector made in pursuance hereof, such

offender shall for such offence (except in the case of any offence for which some other penalty or punishment is specially provided) forfeit and pay any sum not exceeding ten dollars nor less than two dollars, at the discretion of the Police Magistrate or Justice of the Peace before whom such offender shall be convicted;

Provided, nevertheless, that if it shall appear to such Police Magistrate or Justice of the Peace that such offence was not wilful nor grossly negligent, such Police Magistrate or Justice of the Peace may mitigate such penalty below the said sum of two dollars, or discharge the person charged with such offence. Proviso: Mitigation of penalty.

68. The penalty for any offence against this Act, for which no specific penalty is hereinbefore provided, shall be any sum not less than two dollars, and not more than ten dollars. Penalty for offences where no penalty is specified.

69. Every factory or workshop to which this Act applies shall be kept in a cleanly state, and be ventilated in such a manner as to render harmless, so far as is practicable, any gases, dust or other impurities generated in the process of manufacture that may be injurious to health. Factory to be clean and well ventilated.

If the owner, manager, superintendent, overseer or person in charge fails to keep the same in conformity with this section, he shall be deemed to be guilty of an offence against this Act and to be subject, in respect of such offence, to a penalty not exceeding twenty dollars nor less than ten dollars. The Police Magistrate, Justice of the Peace, or court having jurisdiction under this Act may, in addition to or instead of inflicting any penalty in respect of an offence under this section, make an order directing that, within a certain time to be named in such order, certain means are to be adopted by the owner, manager, superintendent, secretary, overseer or person in charge for the purpose of bringing his factory into conformity with this section; the Police Magistrate, Justice of the Peace, or court may, upon application, enlarge any time appointed for the adoption of the means directed by the order, but any non-compliance with the order shall, after the expiration of the time as originally limited or enlarged by subsequent order, be deemed to be a continuing offence, and to be punishable by a penalty not exceeding ten dollars for every day that such non-compliance continues. Penalty. Order may be made to conform to this section.

70. In order to prevent the requirements of this Act as to cleanliness and ventilation in a factory or workshop being infringed to the detriment of the owner, manager, superintendent, overseer or person in charge, by the wilful misconduct, or wilful negligence of the workmen employed therein, it shall be lawful for the owner, manager, superintendent, overseer or person in charge of any factory to make special rules for compelling the observance amongst the workmen of the conditions necessary to insure the required degree of cleanliness and ventilation, and to annex to any breach of such rules a penalty not exceeding two dollars. Special observance of cleanliness and ventilation amongst workmen.

Approved by Secretary of State.

The special rules made in pursuance of this section shall not be of any validity until they have been approved by the Secretary of State.

Copies to be hung up in factory and distributed.

Printed copies of the special rules in force in any factory shall be hung up, in a legible condition, in two or more conspicuous places in the factory, and a printed copy shall be supplied to any person employed in the factory who may apply for a copy.

Evidence of such rules.

A printed copy of the special rules for the time being in force in any factory, certified under the hand of the Inspector for the time being having jurisdiction over such factory or workshop, shall be evidence of such rules and of their having been approved by the said Secretary of State, and it shall be the duty of the above-mentioned Inspector to certify copies of special rules when required.

EXCEPTIONAL.

Occasional employment beyond hours allowed by Act.

71. Whereas the customs, or exigencies of certain trades require that male young persons of the age of fourteen years and upwards, should be occasionally employed beyond the hours allowed by this Act, it shall be lawful for the Inspector, on due proof to his satisfaction that such customs or exigencies exist, and that such occasional employment is not injurious to the health of such male young persons, from time to time, by order to be advertized in the *Canada Gazette*, or otherwise published in such manner as he may think fit, to give permission that in case of any particular factory or class of factories, male young persons of the age of fourteen years and upwards may be employed for a period of not more than ten hours on any one day: Provided:—

Proviso.

1st. That they are not so employed, except between the hours of ten in the morning, and nine in the evening.

Proviso.

2nd. In addition to the time allowed in this Act for meals, they shall be allowed half-an-hour for a meal after the hour of five in the evening.

In factories, etc., workers may be employed throughout the night.

72. In any factory or workshop in which the mechanical power is water, and in any factory or class of factories with respect to which the Inspector certifies that it has been proved to his satisfaction that, by reason of the nature of the business, it is necessary to carry on the same throughout the night, it shall be lawful to employ male young persons during the night, subject to the same intervals of rest which they are allowed during the day, and subject to this provision, that no male young person employed during the night shall be employed during the preceding or succeeding day, and that no male young person shall be employed during more than three nights, in any one week.

In certain processes

73. When in any mill, or factory or workshop, the process in which a child, young person or woman is

employed, is in an incomplete state at the hour at which such child, young person or woman is required by this Act to cease work, such child, young person or woman may be employed for a period not exceeding thirty minutes beyond the said hour. children may be employed beyond hours required by Act.

74. In this Act, unless another sense shall be plainly shown by the context or by some other positive enactment to the contrary, the word "child" shall be taken to mean a child under the age of thirteen years, and the words "young person" shall be taken to mean a person of the age of thirteen years and under the age of eighteen years, and the word "parent" shall be taken to mean parent, guardian or person having the legal custody of any such child or young person; and any person who shall work in any factory or workshop, whether for wages or not, or as a learner or otherwise, either in any manufacturing process or in any labour incident to any manufacturing process, or in cleaning any part of the factory or workshop, or in cleaning or oiling any part of the machinery, or in any other kind of work or handicraft whatsoever, save in the cases hereinafter excepted, shall be deemed, notwithstanding any other description, limitation or exception of employment in this Act, to be employed therein within the meaning of this Act. And the words "inspector" and "medical inspector" shall be taken to mean respectively an inspector and a medical inspector of factories, and the words "occupier," "manager," "superintendent," "secretary," "overseer" or "person in charge," shall be taken to mean any person having, on behalf of the owners or owner of any factory, the care or direction thereof, or of any part thereof, or of any person employed therein. And the word "month" shall be taken to mean a calendar month; and the words "mill-gearing" shall be taken to comprehend every and all machinery, shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley by which the motion of the first moving power is communicated to any machine appertaining to the manufacturing processes. And the word "factory," notwithstanding any provision or exemption in this Act, shall be taken to mean a factory, a mill or a workshop and also all buildings and premises situated within any part of the Dominion of Canada, wherein or within the close or curtilage of which steam, water or any other mechanical power shall be used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, prints, hosiery, either separately or mixed together, or mixed with any other material or fabric made thereof, earthenware, lucifer matches, and cartridges, or in the process of bleaching, dyeing and paper-staining, and any room situated within the outward gate or boundary of any factory wherein children or young persons are employed in any process incident to the manufacture carried on in the factory, shall be taken to be a part of the factory, although it may not contain any machinery, and any part of such factory may be taken to be a factory within the meaning of this Act; but this enact- Interpretation. Child. Young person Parent. Inspector and medical Inspector. Manager, Superintendent, Overseer, person in charge. Month. Mill gearing. Factory. Exceptions.

ment shall not extend to any part of such factory used solely for the purposes of a dwelling house, nor to any factory or part of a factory used solely for the manufacture of hats, or of lace, or solely for printing or calendering, and the enactments of this Act respecting the hours of labour shall not apply to any young person when employed solely in packing goods in any warehouse or part of a factory not used for any manufacturing process, or for any labour not incident to any manufacturing process. And nothing in this Act contained shall extend to any young person being a mechanic, artizan or labourer, working only in making and repairing the machinery or any part of the factory.

Short title.

75. This Act shall be known and may be cited as "*The Factories Regulation Act*, 1880."

SCHEDULE A.

FORM OF CONVICTION.

Province of
County of
(*as the case may be*)
To Wit:

Be it remembered that on the day of in the year A. B (*describe the offender*) was, upon the complaint of C. D. (*or upon the view of C. D, one of Her Majesty's Inspectors or Medical Inspectors of factories, or a the case may be*) convicted before E. F., one of Her Majesty's Police Magistrates or Justices of the Peace in and for, &c. (*as the case may be*) in pursuance of an Act passed in the year of Her Majesty's reign, for (*describe the offence*).

Given under my hand and seal the day and year above mentioned.

SCHEDULE B.

WARRANT TO DISTRAIN FOR FORFEITURE.

Province of
County of
To Wit:

To the Constable, &c.,

Whereas A. B., of in the said county, is this day convicted before C.D., one of Her Majesty's Police Magistrates (*or Justices of the Peace, in and for the said County*), upon the oath of a credible witness (*or upon my own view, as the case may be*) for that he, the said A. B., hath (*here set forth the offence, describing it particularly in the words of the Statute or rule as near as can be*), contrary to the

Statute (*or rule, if the offence is against some rule, or regulation, or order of an Inspector*) in that case made and provided, by reason whereof the said A. B. is adjudged to have forfeited the sum of $ to be distributed as hereinafter mentioned. These are therefore, in Her Majesty's name, to command you to levy the said sum of $ by distress of the goods and chattels of him, the said A. B., and if within the space of four days next after after such distress by you taken, the said sum of $, together with the reasonable charges of taking and keeping the same shall not be paid, that then you do sell the said goods and chattels by you so distrained, and out of the money arising by such sale that you do pay (*according to the award of the Justice*), returning the overplus on demand to him, the said A. B., the reasonable charges of taking, keeping and selling, the said distress being first deducted; and if sufficient distress cannot be found of the goods and chattels of the said A. B. whereon to levy the said sum of $, that then you certify the same to me, together with this warrant.

Given under my hand and seal the day of A.D.

(Signed) C. D.

Return of Constable upon Warrant of Distress where no effects.

I, A. B., Constable of , in the County of , do hereby certify and make oath that by virtue of this warrant I have made diligent search for the goods of the within-named , and that I can find no sufficient goods whereon to levy the same.

As witness my hand the day of , A.D.

C.D.

Sworn before me the day of , A.D

SCHEDULE C.

COMMITMENT FOR WANT OF DISTRESS.

Province of
County of
To Wit :

To the Constable of , in the County of , and to the keeper of the county gaol at , in the said county :

Whereas A. B., of , in the said county, was on the day of , convicted before me, C. D., Esquire, one of Her Majesty's Justices of the Peace in and for the said county (*or Police Magistrate, as the case may be*), upon the oath of a credible witness (*or upon my own view, as the case*

may be), for that he (*here set forth the offence*), contrary to the Statute made in the year of Her Majesty's reign, for (*according to the title of the Act, or contrary to a certain rule or order or regulation of Her Majesty's Inspector of Factories*), and the said A. B., by reason thereof, hath been adjudged to forfeit and pay the sum of dollars; and whereas on the day of , in the year aforesaid, I did issue my warrant to the constable of to levy the said sum of dollars, by distress and sale of the goods and chattels of him, the said A. B., and to distribute the same as in my said warrant was mentioned; and whereas it duly appears to me, upon the oath of the said constable, that he has used his best endeavors to levy the said sum on the goods and chattels of the said A. B., but that no sufficient distress can be had whereon to levy the same. These are therefore to command you, the said constable of aforesaid, to apprehend the said A. B. and him safely to convey to the common gaol at , in the said county, and there deliver him to the keeper thereof, together with this precept; and I do also command you, the said keeper, to receive and keep in your custody the said A. B., for the space of , unless the said sum shall be sooner paid pursuant to the said conviction and warrant, and for so doing this shall be your sufficient warrant.

Given under my hand and seal the day of A.D.

C. D.

SCHEDULE D.

CERTIFICATES.

(*To be written or printed on white paper.*)

Factories Regulation Act, 1880. 43 *Victoria, Chap.* —

No. .

Certificate of age for a child to be employed in the factory of , situated at , in

I, , of , duly appointed a Medical Inspector of factories, do hereby certify that son (*or daughter*) of and , residing in , has been personally examined by me this day of , one thousand eight hundred and , and that the said child has the ordinary strength and appearance of a child of at least years of age, and that I believe the real age of the said child to be at least years, and that the said child is not incapacitated by disease or bodily infirmity from working daily in the above-named factory for the time allowed by this Act.

(Signed)

Medical Inspector.

The form of medical certificate to be given to a child who has obtained a certificate of real age shall be the same as above, omitting the words, "and that the said child has the ordinary strength of a child of at least years of age, and that I believe the real age of the said child to be at least years," and substituting these words in their place, "and that a certificate of the birth (*or baptism*) of the said child has been produced to me in the form required by this Act, proving that the real age of such child is at least years."

(*To be written or printed on colored paper.*)

Factories Regulation Act, 1880. 43 *Victoria, Chap.* —

No. .

Certificate of age for a young person to be employed in the factory of , situated at , in

I, , of , duly appointed a Medical Inspector of factories, do hereby certify that , son (*or daughter*) of , and , residing in , has been personally examined by me this day of , one thousand eight hundred and and that the said young person has the ordinary strength and appearance of a young person of at least years of age, and that I believe the real age of the said young person to be at least years, and that the said young person is not incapacitated by disease or bodily infirmity from working daily in the above-named factory for the time allowed by this Act.

(Signed)

Medical Inspector.

The form of medical certificate to be given to a young person who has obtained a certificate of real age shall be the same as above, omitting the words, "and that the said young person has the ordinary strength and appearance of a young person of at least years of age, and that I believe the real age of the said young person to be at least years," and substituting these words in their place, "and that a certificate of the birth (*or baptism*) has been produced to me in the form required by this Act, proving that the real age of such young person is at least years."

The form of medical certificate to be given in either case by any practitioner who is not a Medical Inspector must be the same as the corresponding form above given, omitting the words, "duly appointed a Medical Inspector," and substituting the words, "duly authorized by the university (*or college or other public body having authority in that behalf*) of , to practice surgery or medicine," and making the following addition, which must be signed by a Police Magistrate or Justice of the Peace:

"The child (*or young person*) named in the above-written certificate has been this day brought before me, and the

appearance of the said child or young person agrees with the description therein given, and I believe the real age of the said child or young person to be at least (*here insert the word in the case of a child, or in the case of a young person*) years, and I declare that I have no beneficial interest in, and am not the owner, manager, superintendent, overseer or person in charge of any factory, and that I am not the father, son or brother of the owner, manager, superintendent, overseer or person in charge of any factory."

Dated this day of one thousand eight hundred and

(Signed) C. D.
J. P. (or Police Magistrate.)

In every medical certificate of age the day of the month on which it shall be granted shall be written in words and not in figures.

So soon as any certificate authorized by this Act to be received as proof of the age of any person shall be obtained by the owner, manager, superintendent, overseer or person in charge, they shall be fixed in a book to be called "The Age Certificate Book," in the order of the dates at which they shall have been respectively received, and such certificates shall be numbered in the order in which they are so fixed in the book, but the certificates for children shall be kept in a separate and distinct place in the said book, or in a separate book, and shall be marked with a series of running numbers distinct from that of the certificates of young persons.

So soon as any certificate of age authorized by this Act shall be obtained, the number hereinbefore required to be set against each certificate shall be set against the name of the child or young person for whom such certificate was granted, in the first column of the register of the persons employed, required by this Act to be kept in each factory.

If a Medical Inspector shall have refused to grant a certificate of age, the word "refused" shall be written in the column of the register where the numbers of the certificates are required to be inserted.

Factories Regulation Act, 1880. 43 *Victoria, Chap.* —
Certificate Refused.

I, of , duly appointed a Medical Inspector of factories, do hereby declare that son (*or daughter*) of , residing in , has been personally examined by me this day of , one thousand eight hundred and , and that in my opinion the said child (*or young person*) has not the ordinary strength and appearance of a child of at least years of age (*or of a young person of at least years of age*) or (*or and*) is incapacitated,

by disease and bodily infirmity, from working daily in a factory for the time allowed by this Act.

(Signed)

Medical Inspector.

N.B.—The words within brackets shall be in the handwriting of the Medical Inspector, who shall insert the reason of his refusal to be either on account of deficient age or of bodily infirmity, or both, as the case may be.

Factories Regulation Act, 1880. 43 *Victoria, Chap.* —*School Certificate.*

I hereby certify that the undermentioned child (*or children*) employed in the factory of , situated in , has (*or have*) attended the school kept by me at for the number of hours and at the time on each day specified in the columns opposite to his (*her or their*) name (*or names*) during the week ending on Saturday the day of , one thousand eight hundred and , and that the causes of absence stated are true to the best of my belief.

Name of Child.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Causes of Absence.
	Time.		Time.		Time.		Time.		Time.		
	From.	To.	From.	To.	From.	To.	From.	To.	From.	To.	

(Signed)

Schoolmaster (or Schoolmistress).

The day of one thousand eight hundred and

SCHEDULE E.

REGISTERS.

Form of the Register of Young Persons.

LIST OF YOUNG PERSONS EMPLOYED IN THIS FACTORY.

No. of reference to age Certificate Book as required in Schedule (.)	Names.		Date of first day of being employed or re-employed.			When any person ceases to be employed insert opposite the name the word "left," and when any person completes his year of age the word .
	Surname.	Christian Name.	Month.	Day.	Year.	

This register shall contain the names of every young person employed in the factory, to be entered successively when engaged to work, whether for the first time, or after having left when re-engaged to work.

At the beginning of this register shall be inserted:

1. The name of the owner, firm or company.

2. The name of the factory, the place, township and county where it is situated, and the post office to which the owner, manager, superintendent, overseer or person in charge desires his letters to be sent.

3. The nature of the work to be carried on.

4. The nature of the moving power, the whole amount of horse-power of the steam-engine or water-wheel, and also the amount of horse-power employed.

5. The clock by which the employment of the workers in the factory is regulated. Every alteration in any of the above particulars shall be inserted immediately after such alterations shall have been made.

6. The holidays and half holidays which shall have been given, in conformity with this Act, shall be recorded in a distinct place in this register.

7. The dates when the whole of the factory, if done at one time, and the several parts if done at different, shall have been lime-washed, and the names and residences of the per-

sons by whom the factory was lime-washed, shall be recorded in a distinct place in this register within days after they have been so lime-washed, and this declaration of the times of lime-washing shall be signed by the mill-owner, manager, superintendent, overseer or person in charge.

The visits of the Medical Inspector to the factory shall be recorded in the register in manner following:—

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Medical Inspector.

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those factories only where children under years of age are employed.

Names of the children employed in this factory before o'clock or the morning set.

No. of reference to Age Certificate Book as required in Schedule D.	Names.		Date of the first day of employment or re-employment.			When any child ceases to be employed insert opposite its name the word "left," or if transferred to the afternoon set the word "changed," or the words "young person" when a child completes its year.
	Surname.	Christian Name.	Month.	Day.	Year.	

Names of the children employed in this factory after o'clock in the afternoon or the afternoon set.

No. of reference to Age Certificate Book as required in Schedule D.	Names.		Date of first day of employment or re-employment.			When any child ceases to be employed insert opposite its name the word "left," or if transferred to the morning set the word "changed," or the words "young person" when a child completes its year.
	Surname.	Christian Name.	Month.	Day.	Year.	

SCHEDULE F.

NOTICES TO BE FIXED UP IN FACTORIES.

Name and adddress of the Inspector of the Province.

Name and address of the Medical Inspector of the District.

Clock by which the hours of work are regulated.

The hours of work of all young persons and females above the age of , employed in this factory:—

Days of Week.	Morning.		Forenoon.		Afternoon.		Evening.		*Total Hours.
	From.	To.	From.	To.	From.	To.	From.	To.	

*In this space the days of the week to which the hours of work refer shall be entered.

Signature of owner, manager, superintendent, overseer or person in charge of factory.

FORM OF NOTICE TO BE FIXED UP OF THE TIMES ALLOWED FOR MEALS.

THE TIMES ALLOWED FOR MEALS IN THIS FACTORY.

*Days of the Week.	Breakfast.		Dinner.		Tea.	
	From.	To.	From.	To.	From.	To.

*In this space the days to which the meal hours refer shall be entered.

Signature of owner, manager, superintendent, overseer or person in charge of factory.

These notices of the regular hours of work fixed up in a factory are not required to be altered when young persons are only employed at other hours for the recovery of lost time, as authorized by this Act; provided the notice required to be fixed up when recovering lost time be so fixed up, and provided on such notice it is stated at what time of the day it is intended to recover the time so lost.

FORM of Notice to be fixed up when the owner, manager, superintendent, overseer or person in charge intends to recover all or any part of the time which has been lost by the stoppage of the machinery in the factory, as allowed by this Act:—

ACCOUNT OF TIME LOST AND RECOVERABLE.

TIME LOST.					Explanatory Remarks.	TIME RECOVERED.				Explanatory Remarks.
Date.	Cause of Loss.	Time of day when lost.	Amount Lost.			Date.	Time of day when recovered.	Amount Recovered.		
			H.	M.				H.	M.	

Signature of owner, manager, superintendent, overseer or person in charge.

No lost time is required to be entered except such as it may be intended to recover.

FORM of the Notice to be fixed up when the time has been lost by partial stoppage of the machinery by drought or floods, &c., and is intended to be recovered during the following night :—

NOTICE OF TIME LOST AND RECOVERED.

TIME LOST.				TIME RECOVERED.			
Description of the room where the stoppage took place, and of the machinery stopped.	Time of the day when the stoppage took place.	Amount of time Lost.		Signature of the person taking time.	Time of the night when the young persons are employed.	Amount of time Recoverable.	
		H.	M			H.	M.

NAMES of the Females and young persons who have lost time by the stoppage of the machinery at the dates affixed :—

Date when time was lost.	Surname.	Christain name.	Date when time was lost.	Surname.	Christian name.

The entries of time lost and of the names of the females and young persons who have lost time shall be made in these notices before any part of the time can be recovered.

SCHEDULE G.

FORM of Notice to be given the owner, superintendent, manager, overseer or person in charge of a factory, by an Inspector or Medical Inspector, of such part of the machinery or such driving-strap or band in the factory as appears to him to be dangerous to the workers :—

To (*name of owner, manager, &c., as the case may be*), occupier of a (*description of the manufacture*) factory situated at , in the County of

I hereby give you notice that the following parts of the machinery in your factory (*or workshop, as the case may be*), namely (*here enumerate the parts*), appear to me to be dangerous and likely to cause bodily injury to the workers employed in the factory or workshop ; and I am of opinion that they ought severally to be immediately well and securely fenced ; and I hereby further give you notice that by the Act passed in the year of Her Majesty's reign, intituled (*here set forth the title of this Act*), it is provided that if after receiving this notice you shall neglect or fail to fence the above-enumerated machinery, and if any person shall suffer any bodily injury in consequence of such neglect or failure, you will be liable to a penalty of dollars over and above all damages, costs and charges to which you may be found liable in any action brought against you by or on behalf of the person so injured.

Given under my hand this day of , one thousand eight hundred and .

(Signed)

Inspector (or *Medical Inspector*).

FORM of Summons to be issued by a Police Magistrate or Justice of the Peace against a person who has committed an offence :—

Province of
County of } To the Constable of

Whereas, it appeareth to me, J. F., one of Her Majesty's Justices of the Peace (*or Police Magistrate*), that A. D., of , in the County of , hath offended against the Act passed in the forty-third year of Her Majesty's reign, intituled (*here set forth the title of this Act*), forasmuch as the said A. D., on the day of , in the year of Our Lord , at , in the County of , did (*here set forth the substance of the charge.*) These, therefore, are to require you forthwith to summon the said A. D. to appear before me or such other Justice or Justices of the Peace (*or Police Magistrate*) acting in and for the said county, who shall be present at , in the said county,

on the day of , at the hour of in the noon of the same day, to answer to the said charge and to be further dealt with according to law. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand this day of , one thousand eight hundred and .

(Signed) J. F,
J.P. (or *Police Magistrate.*)

Form of Summons to be issued by a Police Magistrate or Justice of the Peace.

Province of
County of } To the Constable of

Whereas it appeareth to me, J. F., one of Her Majesty's Justices of the Peace (*or* Police Magistrate) in and for the said county, that A. D., of the ( ) of , hath offended against the Act passed in the year of Her Majesty's reign, intituled (*here set forth the title of the Act*), forasmuch as the said A. D., on the day of , in the year of our Lord one thousand eight hundred and , at , in the said , did (*here set forth the substance of the charge*), and that B. P., of , in the County of , is a material witness to be examined concerning the said charge. These, therefore, are to command you forthwith to summon the said B. P. to appear before me or such other Justice or Justices of the Peace or Police Magistrate, acting in and for the said ( ), as shall be present at , in the said ( ), on the day of , at the hour of in the noon of the same day, to testify his knowledge concerning the premises. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand this day of , one thousand eight hundred and

(Signed) J. F.,
J.P. (or *Police Magistrate.*)

SCHEDULE H.

REGISTER of the time which each and every female and young person has been employed during the week ending (say *February*, 1879), by *John Jones & Co.*), at the (*City of Ottawa*) Works, situate in the Township of (*Nepean*), in the County of (*Carleton*).

Progressive No. in Certificate Book.	Surname.	Christian Name.	February 13. Monday.		February 14. Tuesday.		February 15. Wednesday.		February 16. Thursday.		February 17. Friday.		February 18. Saturday.	
			H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.

SCHEDULE I.

REGISTER of the longest time which any female or young person has been employed on each day of the month ending (say *February* 18*th*, 1879), by (*John Jones & Co.*), at the (*City of Ottawa*) Works, situate in the Township of (*Nepean*), in the County of (*Carleton*).

1879.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday	
	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.
Week ending (*Jan.* 28)..												
Week ending (*Feb.* 4)....												
Week ending (*Feb.* 11)..												
Week ending (*Feb.* 18)..												

SCHEDULE K.

REGISTER of the time during which every youth employed on any day before A.M., or after P.M., has been employed during the week ending (*September 10th*, 1879), by (*John Jones & Co.*), at the ( ) Factory, situate in , in the County of

Progressive No. on Certificate Book.	Surname.	Christian Name.	September 5th. — Monday.		September 6th. — Tuesday.	September 7th. — Wednesday.	September 8th. — Thursday.		September 9th. — Friday.		September 10th. — Saturday.	
			A.M.	H. M.			A.M.	H. M.	A.M.	H. M.	A.M.	H. M.
			4 to 6·30	2·30			6 to 10	4·00	8 to 11	3·00	6 to 8	2·00
			10 to 12	2·00	Between 6 a.m. and 6 p.m.	Between 6 a.m. and 6 p.m.	P.M.				P.M.	
			P.M.				2 to 4·30	2·30	P.M.		12 to 3	3·00
			2 to 6·30	4·30			7·30 to 10	2·30	2 to 6	4·00	6 to 10	4·00
			Total	9·00			Total	9·00	Total	7·00	Total	9·00
			A.M.									
			4 to 8	4·00								
			P.M.		Same as Monday.	Same as Monday.	Same as Monday.		Same as Monday.		Same as Monday.	
			1 to 6	5·00								
			Total	9·00								
			A.M.									
			9 to 1	5·00								
			P.M.		Same as Monday.	Same as Monday.	Same as Monday.		Same as Monday.		Same as Monday.	
			6 to 10	4·00								
			Total	9·00								

No. 10.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to regulate the employment of children and young persons and women in the Workshops, Mills and Factories of the Dominion of Canada.

Received and read, first time, Thursday, 19th February, 1880.

Second reading, Friday, 20th February, 1880.

Mr. Bergin.

OTTAWA:

Printed by MacLean, Roger & Co.

1880

No. 11.] **BILL.** [1880

An Act to regulate the Rate of Interest on loans of money on Real Estate or otherwise.

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

1. No mortgage or other lien whatsoever on Real Estate shall be valid in which a higher rate of interest than seven per cent. is charged or in any way forms a part or parcel of such mortgage or other lien, whether by addition to the principal sum or by any other device whatsoever. Interest, on loans, &c., on real estate limited to seven per cent. per annum.

2. Upon the finding of a court of whatever jurisdiction, that a higher rate of interest than seven per cent. per annum forms a part or parcel of any mortgage or other lien on Real Estate, or that notes of hand have been given promising payment of any such higher rate of interest, or that higher rate of interest has been obtained by any other device whatsoever on money secured by mortgage or other lien on Real Estate, such mortgage or lien on Real Estate shall be thereby rendered totally null and void. Mortgage or lien at higher rate to be void.

3. All mortgages or other liens on Real Estate in which the principal is paid by instalments and the whole interest on the original principal is made payable to the end of the term of such mortgage or lien, notwithstanding the payments of any such instalments, shall hereafter be illegal and any such mortgage shall be null and void. And so if a higher rate is taken by payment by instalments.

4. Notwithstanding any powers or privileges hitherto conferred on building, loan or other investment societies or loaners of money, it shall hereafter be illegal and punishable as a fraud to impose or extort in any way *fines* for non-payment of interest or in any other way to increase the rate of interest to the borrower on Real Estate over and above the rate of seven per cent. per annum. Loan societies restricted to said rate.

5. No business debt or liability of any kind whatsoever in which a higher rate of interest than seven per cent per annum forms a part or parcel of such debt or liability, shall be a legal or valid claim against Real Estate, either by way of mortgage, fi-fa, judgment or other lien. And business debts and liabilities.

6. After judgment shall have been given in any such case as aforesaid whereby any mortgage, security, or lien on Real Estate shall have been declared void, a Judge in chambers, upon proof of such judgment having been rendered, Discharge of mortgage or lien adjudged illegal; and by registration thereof.

shall, upon the application of any party interested therein, whether a party to such suit or not, grant an order discharging such mortgage or lien, and it shall be the duty of the Registrar of the county or registration district in which the Real Estate affected by such mortgage or lien lies, to register such discharge or order upon payment of the usual statutory fees. Such orders of discharge may be issued in duplicate or in as many parts as the applicant may require, in case the lands affected by such mortgage or lien so discharged lie in different counties or registration districts.

Agents not to act for both borrower and lender.

7. It shall be illegal and punishable as a fraud, for any agent to act as agent both for the borrower and the loaner of money; and any person or persons advertised as loaning money for and on behalf of any Loan, Building or Investment Society, or other loaners of money, with the knowledge and authority of such society or loaners of money, shall be held to be the authorized agent or agents, of such society or loaners of money, and any and every act of his or theirs in such capacity as agent shall be binding on such loan, building or investment society, or loaners of money.

Charges for valuation of property limited.

8. It shall be illegal for any agent of either a lender or borrower of money on Real Estate, to charge a higher fee than five dollars for valuation of each separate property, and twenty-five cents each way for every mile necessarily travelled by such agent from his place of residence or business office to the property for the purpose of such valuation; and any agent extorting any larger sum of money as remuneration, shall be liable to a fine of *fifty dollars* for any such offence, which fine and any over-charge shall be recoverable by the party over-charged in any court of competent jurisdiction having authority in any county or district in which the Real Estate may be situate.

Penalty for taking more.

A certain tender after twelve months from execution of mortgage, &c., must be accepted.

9. After the end of twelve months after the execution of any mortgage or lien on Real Estate, upon tender of the principal or ten per cent. thereof, with two months' interest in advance, of any mortgage, claim or other lien on Real Estate, it shall be incumbent upon the holder of such mortgage, claim or other lien, to accept such payment and execute a discharge of the same, or to credit such payment on the mortgage or other lien.

Loan companies, &c., to make yearly returns to Government.

10. It shall be the duty of every incorporated Loan, Building or Investment Society or Company, to make an annual return to the Finance Department of the Dominion Government, of all monies loaned by it on Real Estate, specifying therein the amount of foreign and domestic capital so loaned, respectively.

When this Act shall come into force.

11. The foregoing sections of Act shall come into force on the first day of July next, and shall not apply to any mortgage, loan or contract created, made or entered into before that day..

No. 11.

2nd Session, 4th Parliament, 43 Victoria

BILL.

An Act to regulate the encumbering of Real Estate by loans of money and otherwise.

Received and read, first time, Thursday, 19th February, 1880.

Second reading, Friday, 20th February.

Mr. ORTON

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 11. **BILL.** [1880.

An Act relating to Interest on moneys secured by Mortgage of Real Estate.

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

Preamble.

WHEREAS it is expedient to make certain provisions concerning interest on moneys secured by mortgage of real estate: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

No interest recoverable in certain cases, unless the mortgage contains a certain statement as to principal and interest.

1. Whenever any principal money or interest secured by mortgage of real estate is by the same made payable on the sinking fund plan, or on any plan under which the payments of principal money and interest are blended, or on any plan which involves an allowance of interest on stipulated repayments, no interest whatever shall be chargeable, payable or recoverable, on any part of the principal money advanced, unless the mortgage contains a statement showing the amount of such principal money and the rate of interest chargeable thereon, calculated half-yearly, not in advance.

No rate recoverable beyond that shewn in such statement.

2. Whenever the rate of interest shewn in [the statement referred to in the next preceding section is less than the rate of interest which would be chargeable by virtue of any other provision, calculation or stipulation in the mortgage, no greater rate of interest shall be chargeable, payable or recoverable on the principal money advanced than the rate shewn in the said statement.

No fine allowed on payments in arrear.

3. No fine or penalty or rate of interest shall be stipulated for, taken, reserved or exacted on any arrear of principal or interest which shall have the effect of increasing the charge on any such arrear beyond the rate of interest payable on principal money not in arrear: Provided always, that nothing in this section contained shall have the effect of prohibiting a contract for the payment of interest on arrears of interest or principal at any rate not greater than the rate payable on principal money not in arrear.

Proviso: for interest on arrears of interest.

Overcharge of fine or interest may be recovered back.

4. In case any sum is paid on account of any interest, fine or penalty not chargeable, payable or recoverable under the foregoing sections, such sums may be recovered back or deducted from any other interest, fine or penalty chargeable, payable or recoverable on the principal.

Mortgage may be discharged after three years:

5. Whenever any principal money or interest secured by mortgage of real estate is not, under the terms of the mortgage, payable till a time more than three years after the date of the mortgage then in case at any time after the expiration of such three years, any person liable to pay or entitled to redeem the mortgage,—

On a certain notice and payment or tender:—

(*a.*) Gives the person entitled to receive the mortgage money a written notice of his intention to pay off the mortgage at a time named in such notice not less than six months after the giving thereof, and at the time so named tenders or pays to the person so entitled the amount due for principal and interest to the said time as calculated under the foregoing sections; or

Or without notice, on payment of interest in lieu of notice.

(*b*) Without such notice, tenders or pays to the person so entitled the amount so due for principal money and interest, together with six months' further interest in lieu of notice; No further interest shall be chargeable, payable or recoverable at any time thereafter on the principal money or interest due under the mortgage.

Act to apply to mortgages made after 1st July, 1880.

6. This Act shall apply to all moneys secured by mortgage on real estate executed after the first day of July, in the year of our Lord one thousand eight hundred and eighty.

No. 11.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to regulate the encumbering of Real Estate by loans of money or otherwise.

Reprinted as amended by the Sub-Committee of the Select Standing Committee on Banking and Commerce, under the new title of

An Act relating to the Interest on money secured by Mortgage on Real Estate.

Mr. Orton.

OTTAWA:
Printed by MacLean, Roger & Co.
1880.

No. 12.] **BILL.** [1880.

An Act to encourage the sale of Farm Produce.

Preamble.

WHEREAS doubts exist as to the legality of certain regulations established by municipal councils of towns or cities in the Dominion, in relation to the free sale of farm produce within the limits of such municipalities, towns or cities, and such regulations are an obstacle in the development of the trade in agricultural produce, and it is expedient to remove such doubts: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

When only any charge shall be levied under municipal by-laws, on the sale of farm produce.

1. No charge, tax or rate whatever shall be imposed or levied on the sale of farm produce under or in virtue of any municipal regulation, within the limits of any municipality, or any incorporated town or city, provided such sale takes place elsewhere than on the markets, wharves or other property belonging to such municipality, town or city.

No. 12.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to encourage the sale of Farm Produce.

Received and read first time, Thursday, 19th February, 1880.

Second reading, Friday, 20th February, 1880.

Mr. VALLÉE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880

No. 13.] **BILL.** [1880.

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

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

1. The Act passed in the thirty-eighth year of Her Majesty's reign, chapter eleven, intituled "*An Act to establish a Supreme Court, and a Court of Exchequer, for the Dominion of Canada*" is hereby repealed. Act 38 V., c. 11, repealed.

2. The Act passed in the thirty-ninth year of Her Majesty's reign, chapter twenty-six, intituled "*An Act to make further provision in regard to the Supreme Court, and Exchequer Court, of Canada*" is hereby repealed. Act 39 V., c. 26, repealed.

3. The Act passed in the fortieth year of Her Majesty's reign, chapter twenty-two, intituled "*An Act to amend the Act to make further provision in regard to the Supreme and Exchequer Courts*" is hereby repealed. Act 40 V., c. 22, repealed.

4. The Act passed in the forty-second year of Her Majesty's reign, chapter thirty-nine, intituled "*An Act further to amend "The Supreme and Exchequer Court Act"*" is hereby repealed. Act 42 V., c. 39, repealed.

No. 13.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

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

Received and read first time, Thursday, 19th February, 1880.

Second reading, Friday, 20th February, 1880.

MR. KEELER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880

No. 14.] **BILL.** [1880.

An Act to amend the Law with reference to Procedure in Criminal Cases, and the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences.

Preamble. Imperial Act, 30, 31 V., c. 35, s. 3.

WHEREAS complaint is frequently made by persons charged with indictable offences, upon their trial, that they are unable by reason of poverty to call witnesses on their behalf, and that injustice is thereby occasioned to them; and it is expedient to remove so far as practicable all just ground for such complaints: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Accused person to be asked by Justice, if he desires to call witnesses, Imperial Act, 30, 31 V., c. 35, s. 3.

1. In all cases where any person shall appear or be brought before any Justice or Justices of the Peace, charged with any indictable offence, whether committed in Canada or on the high seas, or on land beyond the sea, and whether such person appear voluntarily upon summons, or has been apprehended with or without warrant, or be in custody for the same or any other offence, such Justice or Justices before he or they shall commit such accused person for trial or admit him to bail, shall, immediately after obeying the directions of the thirty-first and thirty-second sections of the Act thirty-second and thirty-third Victoria, chapter thirty, demand and require of accused person whether he desires to call any witness; and if the accused person shall, in answer to such demand, call or desire to call any witness or witnesses, such Justice or Justices shall, in the presence of such accused person, take the statement on oath or affirmation both in examination and cross-examination of those who shall be so called as witnesses by such accused person, and who shall know anything relating to the facts and circumstances of the case, or any thing tending to prove the innocence of such accused person, and shall put the same into writing; and such depositions of such witnesses shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same, and transmitted in due course of law to the Court of Trial, and such witnesses, not being witnesses merely to the character of the accused, as shall in the opinion of the Justice or Justices give evidence in any way material to the case or tending to prove the innocence of the accused person, shall be bound by recognizance to appear and give evidence at the said trial; and afterwards upon the trial of such accused person, all the laws now in force relating to the depositions of witnesses for the prosecution shall extend and be applicable to the depositions of witnesses hereby directed to be taken.

Their depositions to be taken and returned to Court of Trial, if accused person call any.

Provisions of 32 and 33 V., c. 30, extended to this Act

Imperial Act 30 and 31 V., c. 35, 54.

2. All the provisions of the said Act thirty-second and thirty-third Victoria, chapter thirty, relating to the summoning and enforcing the attendance and committal of witnesses and binding them by recognizance and committal in default, and for giving the accused persons copies of examinations, and giving jurisdiction to certain persons to act alone, shall be read and shall have operation as part of this Act.

32, 33 V., c. 30, s. 30, amended.

3. The thirtieth section of the said Act of the thirty-second and thirty-third Victoria, chapter thirty, is hereby amended by striking out the words "or is absent from Canada" in the seventh and eighth lines thereof.

Section 35, also amended

Proviso, the accused to be allowed counsel to cross-examine witnesses, &c

4. The thirty-fifth section of the Act in the next preceding section mentioned is hereby amended, by adding thereto: "Provided always, that nothing herein contained shall be "construed to empower the Justice or Justices to exclude "from such room or building any counsel or attorney, who is "employed by or appears for, or asks permission to appear "for or on behalf of the person accused; and the accused "person shall as of right, be allowed to retain one or more "counsel learned in the law, or attorney or attorneys, to be "present at such examination, to watch the case on his or "her behalf, to cross-examine the witnesses adduced on "behalf of the prosecution and to examine and re-examine "the witnesses called on behalf of the accused."

Witnesses may be put out of court.

5. The Judge, at any trial on which any person is charged with felony or misdemeanor, shall, at the request of either the counsel for the prosecution or the person accused or his counsel, cause the witnesses to be removed from the court-house during such trial, and any such witness who returns to the court-room during the progress of the trial without leave, shall be liable to be punished in such manner as to the said Judge may seem proper.

Sub-section 2 of s. 45 of 32, 33 V., c. 29, repealed, and a new section substituted therefor.

6. Sub-section two of section forty-five of chapter twenty-nine of thirty-second and thirty-third Victoria, is hereby repealed, and the following substituted therefor:—

Addresses of the counsel regulated.

"2. And upon any trial the addresses to the jury, or in "case the trial is before the County Judge's Criminal Court "in Ontario, to the Court, shall be regulated as follows: "The counsel for the prosecution, in the event of the "defendant or his counsel not announcing, at the close of the "case for the prosecution, his intention to adduce evidence, "shall be allowed to address the jury or Court a second "time at the close of such case for the purpose of summing up the evidence; and the accused or his counsel "shall then be allowed to open his case, and also to sum up "the evidence if any be adduced for the defence, and the "right of reply shall be according to the practice of the

Proviso.

"Courts of England; Provided always, that the right of "reply shall be always allowed to the Attorney or Solicitor "General in person, but not otherwise."

No. 14.

2nd Session, 4th Parliament, 43 Vic

BILL.

An Act to amend the Law wi
ence to Procedure in Crimin
and the duties of Justices of t
out of Sessions in relation to
charged with indictable offen

Received and read first time, Fri
February, 1880.

Second reading, Monday, 23rd
1880.

Mr. ROBERT
(Ham

OTTAWA:

PRINTED BY MACLEAN, ROGER &

1880.

No. 15.] **BILL.** [1880.

An Act to fix the Rate of Interest and prohibit Usury in the Province of Quebec.

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

1. In the Province of Quebec, in all cases in which interest is or can be exacted or recovered by law or under contract, express or implied, when the rate thereof shall not have been agreed upon and stipulated in writing as hereinafter prescribed, such rate shall be six per centum per annum. Rate when no other is agreed upon.

2. Any rate of interest, not exceeding eight per centum per annum, may be paid in advance or otherwise; and, when once paid, may be retained, or the same rate may be agreed on in writing and recovered. Eight per cent. may be stipulated, retained or recovered.

3. If any person, loan society or other corporation, stipulates to receive, directly or indirectly, a greater rate of interest than eight per centum upon any contract written or verbal, or any promise whatsoever, such person, loan society or other corporation, shall forfeit, *ipso facto*, as a penalty, the whole of the interest so stipulated, and shall be entitled only to recover the principal sum due to such person, loan society or other corporation. If more be stipulated or taken, interest forfeited.

4. In any action based upon any contract whatsoever, whereby a rate of interest exceeding that authorized by the second section of this Act is stipulated for directly or indirectly, the defendant may, in his plea of general denial, with notice of defence as in other cases, prove such excess of interest, and the same shall be deducted from the amount due in virtue of such contract. Surplus interest may be deducted.

5. Every person, loan society or other corporation, who, for any loan or advance of any money, goods or things, pays or returns any greater sum or value, or a rate of interest, greater than is above allowed to be received or taken, may recover at any time within one year after such payment or return, by action at law against the person, loan society or other corporation that shall have taken or received the same, the whole amount of interest, or the sum paid or value returned in the nature of interest, on the contract or agreement. Parties paying excessive interest may recover the whole interest paid.

Parties sued for usury compellable to answer on on oath.

6. Any person, loan society or other corporation proceeded against for any contravention of this Act, may be compelled to answer on oath any complaint that may be brought in any court of justice, for the recovery of any sum of money or any rate of interest, or any goods or things so taken, accepted, or received in violation of the foregoing provisions or any of them.

Existing contracts not affected.

7. Contracts made and concluded before the coming into operation of the present Act shall have the same force and effect as if the said Act had not been passed.

Application of Act.

8. The provisions of this Act shall apply to all loans or agreements for loans, or for the use of any sum of money, and to all agreements whatsoever, made and entered into on or after the first day of July next.

Banks not affected.

9. Nothing in this Act contained shall extend or be interpreted to extend to or effect any incorporated Bank.

Inconsistent enactments repealed.

10. All Acts or parts of Acts now in force in the Province of Quebec, incompatible with the provisions of this Act, are hereby repealed as respects the said Province.

Short title.

11. When this Act is mentioned in any pleading or otherwise, it may be cited as "*The Act to fix the Rate of Interest and to prohibit Usury in the Province of Quebec.*"

Commencement of Act.

12. This Act shall come into force on or after the first day of July, one thousand eight hundred and eighty.

No. 15.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to fix the Rate of Interest and prohibit Usury in the Province of Quebec.

Received and read first time, Friday, 20th February, 1880.

Second reading, Monday, 23rd February, 1880.

Mr. MÉTHOT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

Reprinted

No. 16] **BILL.** [1880.

An Act to authorize and provide for the winding up of the Stadacona Bank.

Preamble.

WHEREAS the Stadacona Bank by its petition has represented that the affairs of the Bank have not been sufficiently prosperous, and that its shareholders have determined that it is for their interest that the said Bank should be wound up, and has prayed for authority so to do, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Liquidators may be appointed.

Their powers.

1. The shareholders of the Stadacona Bank are empowered, at any special general meeting of the said shareholders called for the purpose according to its charter, to appoint not over five shareholders, each of whom must hold at least thirty shares of the capital stock of the Bank, to be liquidators to realize and wind up the assets and affairs of the Bank, and such liquidators shall appoint one of their number to be chairman; the said liquidators shall have all the administrative powers of directors save and except that no business shall be transacted by the said Bank other than such as shall be requisite for the winding up of its affairs, in such manner as they the said liquidators shall according to their discretion adopt on the realizing of the assets of the Bank as speedily as possible without undue sacrifice; and for that purpose they may make arrangements for the collection of debts now due and to become due to the said Bank, on such terms and conditions as they may think reasonable; and out of the proceeds of such assets they shall pay all the ordinary liabilities of the Bank, first discharging all privileged claims thereon, and after paying in full all such privileged claims and liabilities and providing for the payment of any such liabilities that shall not have been claimed, they shall proceed to divide the balance of the proceeds of the said assets among the shareholders of the said Bank in manner and form hereinafter set forth.

Provision as to inequality of calls paid.

2. The inequality among the shareholders of the Bank, as to the amount of calls paid by them shall first be removed by returning the full amount of calls paid in, in excess of ninety per cent., first charging interest on unpaid calls; and if the balance of the said assets and such payment and provision shall prove to be insufficient to return all paid calls above

ninety per cent., the liquidators shall have a right to make calls upon the shareholders owing any calls in such a manner as to realize the amount paid in and make good the deficiency : but, if the balance of such assets shall be more than sufficient to reduce the amount paid by all the shareholders to a uniform level of ninety per cent., the remainder thereof shall be divided equally among the shareholders of the Bank.

Amount of any unpaid liabilities to be retained for five years.

3. If any portion of the liabilities of the Bank, either consisting of ordinary indebtedness, or of unredeemed circulation, shall remain unpaid when the last dividend payable to the shareholders of the Bank is declared, the amount which has been reserved as a provision for such liabilities shall be retained on deposit at interest by the liquidators, in their names as such, until more than five years shall have elapsed from the incurring of ordinary liabilities, or from the passage of this Act in the case of outstanding bills, and thereupon after one month's notice in the *Canada Gazette*, and in one newspaper published in French and another in English in the City of Quebec, of the intention of the liquidators to distribute such provision among the shareholders, any balance then remaining unclaimed shall be distributed accordingly with all the interest accrued thereon.

Responsibility and remuneration of liquidators.

4. Such liquidators shall be responsible each for his own acts and deeds only and otherwise in like manner as the Directors of the said Bank would be. They shall be indemnified out of the assets of the Bank for all reasonable expenses incurred in the winding up thereof, and shall receive such remuneration as shall be voted by the shareholders at the meeting by which they are appointed or at the final meeting of such shareholders; and they shall be subject to the directions of such shareholders and to removal and replacement from time to time by any special general meeting of such shareholders called for the purpose in the manner required by the charter; but if a vacancy occurs from any cause the remaining liquidators or liquidator shall continue the winding up of the Bank with all the powers herein conferred upon any of them until the shareholders shall have filled such vacancy. And the majority of such liquidators, if there be more than two, shall form a quorum, and upon the final winding up of the Bank the liquidators shall report to a final meeting of shareholders called for the purpose, which meeting shall have then the power to dissolve the said Bank and to abandon the charter thereof, which charter shall thereupon lapse and become and be extinguished ; and at such final meeting the shareholders may make such order respecting the disposition or custody of the books, muniments and documents of the Bank as they may deem fit.

Vacancies.

Quorum.

Final meeting of shareholders.

Offer for purchase *en bloc* may be entertained.

5. If pending the realization of the assets of the Bank, an offer should be made for the purchase of the whole of the remaining assets *en bloc*, the liquidators may submit such offer to a special general meeting of the shareholders called

for the purpose, and if authorized so to do by such meeting may accept the same with or without modification as they may be instructed to do by such meeting, and thereupon may execute a valid conveyance thereof to the purchaser thereof.

No. 16.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to authorise and provide for the winding up of the Stadacona Bank.

Received and read, first time, Monday, 23rd February, 1880.

Second reading, Tuesday, 24th February, 1880.

(PRIVATE BILL.)

Mr. VALLÉE.

OTTAWA.

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 16.] **BILL.** [1880

An Act to authorize and provide for the winding up of the Stadacona Bank.

(*Reprinted as amended by the Select Standing Committee on Banking and Commerce.*)

WHEREAS the Stadacona Bank by its petition has represented that the affairs of the Bank have not been sufficiently prosperous, and that its shareholders have determined that it is for their interest that the said Bank should be wound up, and has prayed for authority so to do, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

Liquidators may be appointed.

1. The shareholders of the Stadacona Bank are empowered, at any special general meeting of the said shareholders called for the purpose according to its charter, to appoint not over three shareholders, each of whom must hold at least thirty shares of the paid-up capital stock of the Bank, to be liquidators to realize and wind up the assets and affairs of the Bank, and such liquidators shall appoint one of their number to be chairman; the said liquidators shall have all the administrative powers of directors save and except that no business shall be transacted by the said Bank other than such as shall be requisite for the winding up of its affairs, in such manner as they the said liquidators shall according to their discretion adopt on the realizing of the assets of the Bank as speedily as possible without undue sacrifice; and for that purpose they may make arrangements for the collection of debts now due and to become due to the said Bank, on such terms and conditions as they may think reasonable; and out of the proceeds of such assets they shall pay all the liabilities of the Bank, first discharging all privileged claims thereon, and after paying in full all such privileged claims and liabilities and providing for the payment of any such liabilities that shall not have been claimed, they shall proceed to divide the balance of the proceeds of the said assets among the shareholders of the said Bank in manner and form hereinafter set forth. Their powers.

Amount of any unpaid liabilities to be retained for five years.

2. If any portion of the liabilities of the Bank, either consisting of ordinary indebtedness, or of unredeemed circulation, shall remain unpaid when the last dividend payable to the shareholders of the Bank is declared the amounts which have been reserved as provisions for such

liabilities shall be retained on deposit at interest in some chartered Bank by the liquidators in their names as such until five years shall have elapsed from the incurring of ordinary liabilities; and thereupon after one month's notice in the *Canada Gazette* and in one newspaper published in French and another in English in the city of Quebec, of the intention of the liquidators to distribute the amount reserved as a provision for ordinary liabilities among the shareholders, any balance remaining unclaimed in respect of such provision shall be distributed accordingly with all the interest accrued thereon, and the amount reserved as a provision for unredeemed circulation and for unpaid dividends shall be so retained on deposit for ten years after the passing of this Act, and thereupon on such notice as aforesaid shall be distributed as aforesaid.

Responsibility and remuneration of liquidators.

3. Such liquidators shall be responsible each for his own acts and deeds only and otherwise in like manner as the Directors of the said Bank would be. They shall be indemnified out of the assets of the Bank for all reasonable expenses incurred in the winding up thereof, and shall receive such remuneration as shall be voted by the shareholders from time to time; and they shall be subject to the directions of such shareholders and to removal and replacement from time to time by any special general meeting of such shareholders called for the purpose in the manner required by the charter; but if a vacancy occurs from any cause the remaining liquidators or liquidator shall continue the winding up of the Bank with all the powers herein conferred upon any of them until the shareholders shall have filled such vacancy. And the majority of such liquidators, if there be more than two, shall form a quorum, and upon the final winding up of the Bank the liquidators shall report to a final meeting of shareholders called for the purpose, which meeting shall have then the power to dissolve the said Bank and to abandon the charter thereof, which charter shall thereupon lapse and become and be extinguished; and at such final meeting the shareholders may make such order respecting the disposition or custody of the books, muniments and documents of the Bank as they may deem fit.

Vacancies.

Quorum.

Final meeting of shareholders.

Offer for purchase *en bloc* may be entertained.

4. If pending the realization of the assets of the Bank, an offer should be made for the purchase of the whole of the remaining assets *en bloc*, the liquidators may submit such offer to a special general meeting of the shareholders called for the purpose, and if authorized by the shareholders present in person or represented by proxy, holding at least three-fourths of the whole of the shares voted upon at such meeting, may accept the same with or without modification as they may be instructed to do by such meeting, and thereupon may execute a valid conveyance thereof to the purchaser thereof.

No. 16.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to authorise and provide for the winding up of the Stadacona Bank.

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

(PRIVATE BILL.)

Mr. VALLÉE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

Reprinted

No. 17.] **BILL.** [1880.

An Act to incorporate "The Bell Telephone Company of Canada."

Preamble.

WHEREAS Alexander Melville Bell, Richard Alan Lucas, Henry S. Strathy, John Billings, Hugh C. Baker, Frederick W. Gates. Lawrence Buchan, William R. Meredith, Thomas Davidson and H. Gordon Strathy, have by their petition prayed to be incorporated under the name of "The Bell Telephone Company of Canada," with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition, and that the said persons and others who may be associated with them, should be incorporated for the purposes of this Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Alexander Melville Bell, Richard Alan Lucas, Henry S. Strathy, Hugh C Baker, Lawrence Buchan, William R. Meredith and Thomas Davidson, and such other persons as may become shareholders in the corporation to be by this Act created, shall be and they are hereby created, constituted and declared to be a corporation, body politic and corporate, by the name of "The Bell Telephone Company of Canada;" and the head office of the said Company shall be at the City of Toronto, in the Province of Ontario, or at such other place as may be hereafter determined upon by the directors of the Company.

Corporate name and head office.

Powers of the company.

2. The said Company shall have power to manufacture telephones or other electrical apparatus and their appurtenances and other instruments, used in connection with the business of a telegraph or telephone company, and to purchase, sell or lease the same and rights relating thereto, and to build, establish, construct, purchase, acquire or lease, and maintain and operate, or sell or let, any line or lines for the transmission of messages, by electricity or otherwise, in Canada or elsewhere, and to make connection with the line or lines of any telegraph or telephone company in Canada or elsewhere, and to aid or advance money to build or work any such line; and also to borrow such sum of money not exceeding the amount of the paid-up capital of the Company as the directors shall deem necessary for carrying out any of the objects or purposes of this Act, and to issue bonds therefor, which shall be a first charge upon the whole lines, works and plant of the Company, in such sums and at such rate of interest, and payable at such times and places as the directors shall determine.

Borrowing powers.

Construction and maintenance of line.

3. The said Company may construct, erect and maintain its line or lines of telegraph or telephone along the sides of and across or under any public highways, streets, bridges, water-courses or other such places, or across or under any navigable waters, either wholly in Canada or dividing Canada from any other country, provided the said Company shall not interfere with the public right of travelling on or using such highways, streets, bridges, water-courses or navigable waters; and the Company may enter upon any lands or places and survey, set off and take such parts thereof as may be necessary for such line or lines of telegraph or telephone; and wheresoever the said telegraph or telephone line shall pass through any wood the trees and underwood may be cut down for the space of fifty feet on each side of the line: Provided always, that the said Company shall not cut down or mutilate any tree planted or left standing for shade or ornament, or any fruit tree, unless it be necessary so to do for the erection, use or safety of any of its lines; and in case of disagreement between the said Company and any owner or occupier of lands which the said Company may take for the purposes aforesaid, or in respect to any damage done to the same by constructing the line or lines through or upon the said lands, the said Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter in difference of any two of them in writing shall be final; and if the said owner or occupier, or the agent of the said Company, neglects or refuses to choose an arbitrator within seven days after notice in writing from the opposite party to him, and upon proof of personal service of such notice, or if such two arbitrators when duly chosen disagree in the choice of a third arbitrator,—in any such case it shall be lawful for the Minister of Public Works for the time being to nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided.

Proviso: as to ornamental and fruit trees.

Arbitration in case of difference.

Power to purchase lines.

4. The said Company shall have power and authority to purchase or lease for any term of years any telegraph or telephone line established or to be established, either in Canada or elsewhere, connecting or hereafter to be connected with the lines which the Company is authorized to construct, or to purchase or lease for any term of years the right of any company to construct any such telegraph or telephone line; and shall also have power and authority to amalgamate with or to lease their line, or any portion or portions thereof, from time to time, to any company, board or person possessing as proprietors any line of telegraphic or telephonic communication connecting or to be connected with the Company's line, either in Canada or elsewhere; and in the event of the said company taking advantage of any of the provisions in this section contained, it shall have the benefit of any contracts or agreements entered into between any such other company and third parties; and the Company shall also have power to enter into any arrangements with any person, board or company possessing, as proprietors, any line of telegraphic or telephonic communication, or any power or right

And to make arrangements with other companies.

to use communication by means of the telephone or other similar apparatus, upon such terms and in such manner as the Board of Directors may, from time to time, deem expedient or advisable, or to become a shareholder in any such corporation.

Capital stock and shares.

5. The capital stock of the said Company shall be five hundred thousand dollars and shall be divided into five thousand shares of one hundred dollars each; and the said capital stock may be increased from time to time by resolution of the Board of Directors, by and with the consent of a majority in value of the shareholders present in person or represented by proxy at any annual general meeting, or at any special general meeting of shareholders called for that purpose, to such an extent as the said shareholders may deem needful to carry into perfect completion and operation the whole undertaking.

Increase.

Provisional directors and their powers.

6. The persons named in the first section of this Act shall be the Provisional Directors of the Company, and shall have power and authority to open stock-books and to procure subscriptions for shares in the capital stock of the Company, to make calls upon the subscribers, and to cause surveys and estimates to be made, to cause plans to be executed, to enter upon and occupy lands and waters required for the purposes of the Company, to enter into contracts with any person or persons for materials or instruments, or for constructing the said lines or any part thereof, or contracts for the purchase or otherwise of existing rights, or for the purchase or leasing or working of existing lines and the appurtenances thereof, and of the business carried on in connection therewith.

First general meeting of shareholders.

7. The Provisional Directors shall hold office until the first general meeting of the shareholders of the Company after the passing of this Act, which said first general meeting shall be held as soon as possible after twenty-five thousand dollars at least of the capital stock shall have been subscribed for and ten per cent. thereon shall have been paid in. Notice of such first general meeting shall be given to each shareholder by mail at least ten days before such meeting, and by insertion in one or more newspapers published in the City of Toronto, or such other place as the directors may hereafter determine upon as the head office of the Company, for ten days next before such meeting.

Notice.

Board of directors.

8. The business of the Company shall be managed by a board of not less than five nor more than twenty directors, as may from time to time be determined by resolution of the shareholders, and each such director shall be the proprietor of at least ten shares in the capital stock of the Company, or such other additional number of shares as the shareholders shall by any resolution passed at any annual general meeting, or special general meeting, from time to time determine; and the said Board of Directors shall be elected and hold office as hereinafter provided, and a majority of the said directors shall be residents of Canada.

Qualification.

All shareholders to have equal rights.

9. Aliens shall have equal rights with British subjects to take and hold stock and to vote, and shall be eligible to office in the said Company; and no shareholder shall be liable beyond the amount of the stock subscribed or acquired by him for any debt contracted by the Company, or loss or liability incurred by the Company.

Stock books may be opened and calls made.

10. The directors of the said Company for the time being may open or cause to be opened stock-books for the subscription of parties desiring to become shareholders in the capital stock of the said Company in such places as they shall think fit, and may from time to time make calls on such shares payable at such times, in such amounts, at such places, and in such manner as they shall from time to time determine.

Calls and their payment.

11. A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed, and if a shareholder fails to pay any call due from him before or on the day appointed for the payment thereof, he shall be liable to pay interest for the same at the rate of six per cent. per annum from the day appointed for payment to the time of actual payment thereof.

Shares may be paid up in advance.

12. The directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amounts due on the shares held by such shareholder, beyond the sums then actually called for; and upon the money so paid in advance, or so much thereof as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate as the shareholder paying such sum in advance and the directors shall agree upon.

Notice of calls.

13. All notices of calls upon the shareholders shall be given by advertisement at least once a week for four successive weeks in some newspaper published in the place where the head office of the Company is situate, and by mailing a notice of such call addressed to each shareholder liable to pay the same, at his post office address, as recorded in the books of the Company, at least four weeks before the time appointed for payment thereof.

Proceedings if calls are not paid.

14. If after such demand or notice as hereinbefore provided, any call made upon any share or shares be not paid within such time as may be limited in that behalf, the directors in their discretion, by vote to that effect duly recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made, and the same shall thereupon become the property of the Company, and may be disposed of as by the by-laws of the Company or otherwise they may ordain; but, notwithstanding such forfeiture, the holder of such shares at the time of forfeiture shall continue liable to the then creditors of the Company for the full amount unpaid on such shares at the time of forfeit-

ure, less any sums which may have been subsequently received by the Company in respect thereof.

Calls may be enforced.

15. The Company may, if they see fit, instead of declaring forfeited any share or shares, enforce payment of all calls and interest thereon by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more (stating the number of calls and amount of each) whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received as against the defendant in all courts as *primâ facie* evidence to that effect.

Certificate to be evidence.

Directors may be indemnified and saved harmless.

16. Every director of the Company, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Company, given at any general meeting thereof, from time to time and at all times, be indemnified and saved harmless out of the funds of the Company from and against all costs, charges and expenses whatsoever which he shall or may sustain or incur in or about any action, suit or proceeding which shall be brought, commenced or prosecuted against him for or in respect of any act, deed, matter, or thing whatsoever, made, done, or permitted by him in or about the execution of the duties of his office, and also from and against all other costs, charges and expenses which he shall sustain or incur in or about or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Calls may be deducted from dividends.

17. The directors may deduct from the dividends payable to any shareholder all such sums of money as may be due from him to the Company on account of calls or otherwise.

Votes on shares.

18. At all meetings of the shareholders each share shall entitle the holder to one vote, which may be given in person or by proxy; but no one who is not a shareholder shall act or vote as such proxy.

Annual general meeting and proceedings thereat.

19. The first general meeting of the Company shall be held as hereinbefore provided; and in each year thereafter, on the same day, or on such day as the directors by any by-law may from time to time appoint, there shall be held a general meeting for the election of directors, and for such other proceedings and business as it is competent for the shareholders to deal with and determine; and ten days' notice of every such meeting shall be given in one or more of the newspapers published in the city where the head office of the Company is situate. The directors or any of them shall be qualified for re-election.

Re-election.

Vacancies, how filled.

20. When a vacancy occurs by the death or resignation of a director, the vacancy shall be supplied by the remaining directors at a subsequent meeting, appointing by resolution a director or directors in the place or stead of the director or directors so having died or resigned.

Directors may make by-laws.

21. The directors may from time to time make, alter, amend or repeal such by-laws, rules or regulations as they may deem necessary and proper for the management of the affairs of the Company generally, but subject to the approval of the shareholders present in person or represented by proxy at annual or special general meetings of the Company; and such by-laws, rules or regulations made by the directors shall, respectively, be and continue in force unless and until they shall be disapproved of by the shareholders at any such meeting.

Shares to be personal estate.

Proviso as to transfers.

22. All and every the shares in the capital stock of the Company, and all profits and advantages arising therefrom shall be deemed to be personal estate, and shall be transferable and transmissible as such; Provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose by such officer as the directors may from time to time designate; and provided also, that whenever any shareholder shall transfer in manner aforesaid all his stock or shares in the said Company, such shareholder shall cease to be a member of the said corporation.

When registration of transfer may be refused.

23. The directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the Company.

Lines, &c., to be the property of the company.

24. All the posts, wires and other apparatus forming part of the telegraph or telephone lines aforesaid, shall be the property of the Company, whether set upon or carried under the surface of land or water by the said Company for the purposes aforesaid, although the lands or waters on which the same are set up or under which they are carried be not the property of the said Company.

Injury of property, &c., to be a misdemeanor.

25. Any person who shall wilfully or maliciously injure, molest or destroy any of the lines, posts or other material or property of the Company, or in any way wilfully obstruct or interfere with the working of the said telegraph or telephone lines, or intercept the messages transmitted thereon, shall be guilty of a misdemeanor.

Exemption from militia service.

26. Every operator in the employment of the said Company shall be exempted from militia service during the time of such employment.

Powers as to real estate.

27. The said Company shall have power to purchase, lease or otherwise acquire and hold all such real estate as may from time to time be deemed requisite for the purposes of

the Company, and also to sell, lease or otherwise dispose of, and to mortgage, pledge or incumber, such real estate or any part or parts thereof from time to time, in such manner and on such terms as they may deem fit.

No. 17.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate "The Bell Telephone Company of Canada."

Received and read, first time, Monday, 23rd February, 1880.

Second reading, Tuesday, 24th February, 1880.

(PRIVATE BILL.)

Mr. KILVERT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1880.

No. 17.] **BILL.** [1880.

An Act to incorporate "The Bell Telephone Company of Canada."

(*Reprinted as amended by Sub-Committee of Select Standing Committee on Railways, Canals and Telegraph Lines to which it was referred.*)

Preamble.

WHEREAS Alexander Melville Bell, Richard Alan Lucas, Henry S. Strathy, John Billings, Hugh C. Baker, Frederick W. Gates, Lawrence Buchan, William R. Meredith, Thomas Davidson and H. Gordon Strathy, have by their petition prayed to be incorporated under the name of "The Bell Telephone Company of Canada," with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition, and that the said persons and others who may be associated with them, should be incorporated for the purposes of this Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Alexander Melville Bell, Richard Alan Lucas, Henry S. Strathy, Hugh C Baker, Lawrence Buchan, William R. Meredith and Thomas Davidson, and such other persons as may become shareholders in the corporation to be by this Act created, shall be and they are hereby created, constituted and declared to be a corporation, body politic and corporate, by the name of "The Bell Telephone Company of Canada;" and the head office of the said Company shall be at the City of Toronto, in the Province of Ontario, or at such other place in Canada as may be hereafter determined upon by the directors of the Company.

Corporate name and head office.

Powers of the company.

2. The said Company shall have power to manufacture telephones and other apparatus connected therewith, and their appurtenances and other instruments, used in connection with the business of a telegraph or telephone company, and to purchase, sell or lease the same and rights relating thereto, and to build, establish, construct, purchase, acquire or lease, and maintain and operate, or sell or let, any line or lines for the transmission of messages by telephone, in Canada or elsewhere, and to make connection, for the purposes of telephone business, with the line or lines of any telegraph or telephone company in Canada or elsewhere, and to aid or advance money to build or work any such line to be used for telephone purposes; and also to borrow such sum of money not exceeding the amount of the paid-up capital of the Company as the directors shall deem necessary for carrying out any of the objects or purposes of this

Borrowing powers.

Act, and to issue bonds therefor in sums of not less than one hundred dollars each, which shall be a first charge upon the whole lines, works and plant of the Company, in such sums and at such rate of interest, and payable at such times and places, as the directors shall determine: Provided always, that nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money.

Proviso.

Construction and maintenance of line.

3. The said Company may construct, erect and maintain its line or lines of *telegraph* or telephone along the sides of and across or under any public highways, streets, bridges, water-courses or other such places, or across or under any navigable waters, either wholly in Canada or dividing Canada from any other country, provided the said Company shall not interfere with the public right of travelling on or using such highways, streets, bridges, water-courses or navigable waters; and provided that in cities, towns and incorporated villages the Company shall not erect any pole higher than forty feet above the surface of the street, nor affix any wire less than twenty-two feet above the surface of the street, nor carry more than one line of poles along any street without the consent of the Municipal Council of the said city, town or village, and that in the central portion of any city the poles shall be straight and perpendicular, and shall be painted if so required by any by-law of the City Council; and provided further, that when lines of telegraph are already constructed no poles shall be erected by the Company in any city along the same side of the street where such poles are already erected, unless with the consent of the Council of such city: Provided also, that the said Company shall not cut down or mutilate any tree; and provided that when wires are carried under ground in cities, the opening up of the street for that purpose shall be done under the supervision of the city engineer or such other officer as the City Council may appoint, and that the surface of the street shall, in all cases, be restored to its former condition by and at the expense of the Company: Provided also, that no amendment requiring the Company (in case efficient means are devised for carrying telephone wires under ground) to adopt such means, and abrogating the right given by this clause, to continue carrying lines on poles through cities or towns, shall be deemed an infringement of the privileges granted by this Act.

Proviso: as to ornamental and fruit trees.

Power to purchase lines.

4. The said Company shall have power and authority to purchase or lease for any term of years any telephone line established or to be established, either in Canada or elsewhere, connecting or hereafter to be connected with the lines which the Company is authorized to construct, or to purchase or lease for any term of years the right of any company to construct any such telephone line; and shall also have power and authority to amalgamate with or to lease their line, or any portion or portions thereof, from time to time, to any company or person possessing as proprietor any line of telegraphic or telephonic communication con-

And to make arrangements with other companies.

meeting or to be connected with the Company's line, either in Canada or elsewhere; and the Company shall also have power to enter into any arrangements with any person or company possessing, as proprietor, any line of telegraphic or telephonic communication, or any power or right to use communication by means of the telephone upon such terms and in such manner as the Board of Directors may, from time to time, deem expedient or advisable, or to become a shareholder in any such corporation.

Capital stock and shares.

Increase.

5. The capital stock of the said Company shall be five hundred thousand dollars and shall be divided into five thousand shares of one hundred dollars each; and the said capital stock may, after the whole thereof has been subscribed and at least fifty per cent. thereon paid up, be increased from time to time by resolution of the Board of Directors, by and with the consent of a majority in value of the shareholders present in person or represented by proxy at any annual general meeting, or at any special general meeting of shareholders called for that purpose, to such an extent not exceeding five hundred thousand dollars additional, as the said shareholders may deem needful to carry into perfect completion and operation the whole undertaking.

Provisional directors and their powers.

6. The persons named in the first section of this Act shall be the Provisional Directors of the Company, and shall have power and authority to open stock-books and to procure subscriptions for shares in the capital stock of the Company, to make calls upon the subscribers, and to cause surveys and estimates to be made.

First general meeting of shareholders.

Notice.

7. The Provisional Directors shall hold office until the first general meeting of the shareholders of the Company after the passing of this Act, which said first general meeting shall be held as soon as possible after one hundred thousand dollars at least of the capital stock shall have been subscribed for and twenty per cent. thereon shall have been paid in. Notice of such first general meeting shall be given to each shareholder by mail at least ten days before such meeting, and by insertion in one or more newspapers published in the City of Toronto, for ten days next before such meeting.

Board of directors.

8. The business of the Company shall be managed by a board of not less than five nor more than fifteen directors, as may from time to time be determined by resolution of the shareholders, and each such director shall be the proprietor of at least ten shares in the capital stock of the Company, or such other additional number of shares, not exceeding forty additional shares, as the shareholders shall by any resolution passed at any annual general meeting, or special general meeting, from time to time determine; and the said Board of Directors shall be elected and hold office as hereinafter provided, and a majority of the said directors shall be residents of Canada.

All shareholders to have equal rights.

9. Aliens shall have equal rights with British subjects to take and hold stock and to vote, and shall be eligible to office in the said Company; and no shareholder shall be liable beyond the amount of the stock subscribed or acquired by him for any debt contracted by the Company, or loss or liability incurred by the Company.

Stock books may be opened and calls made.

10. The directors of the said Company for the time being may open or cause to be opened stock-books for the subscription of parties desiring to become shareholders in the capital stock of the said Company in such places as they shall think fit, and all parties so subscribing shall pay ten per cent. on allotment, and the directors may from time to time make calls on such shares payable at such times, in such amounts, at such places, and in such manner as they shall from time to time determine; but no call shall exceed ten per cent., and an interval of at least thirty days shall intervene between the time fixed for the payment of any one call and that fixed for the payment of the succeeding call.

Calls and their payment.

11. A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed, and if a shareholder fails to pay any call due from him before or on the day appointed for the payment thereof, he shall be liable to pay interest for the same at the rate of six per cent. per annum from the day appointed for payment to the time of actual payment thereof.

Shares may be paid up in advance.

12. The directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amounts due on the shares held by such shareholder, beyond the sums then actually called for; and upon the money so paid in advance, or so much thereof as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate as the shareholder paying such sum in advance and the directors shall agree upon.

Notice of calls.

13. All notices of calls upon the shareholders shall be given by advertisement at least once a week for four successive weeks in some newspaper published in the place where the head office of the Company is situate, and by mailing a notice of such call addressed to each shareholder liable to pay the same, at his post office address, as recorded in the books of the Company, at least four weeks before the time appointed for payment thereof.

Proceedings if calls are not paid.

14. If after such demand or notice as hereinbefore provided, any call made upon any share or shares be not paid within such time as may be limited in that behalf, the directors in their discretion, by vote to that effect duly recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made, and the same shall thereupon become the property of the Company, and may be disposed of as the by-laws of the Company may ordain; but, notwithstanding such forfeiture, the holder

of such shares at the time of forfeiture shall continue liable to the then creditors of the Company for the full amount unpaid on such shares at the time of forfeiture, less any sums which may have been subsequently realized by the Company in respect thereof.

Calls may be enforced.

15. The Company may, if they see fit, instead of declaring forfeited any share or shares, enforce payment of all calls and interest thereon by action in any competent court, and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received as against the defendant in all courts as *primâ facie* evidence to that effect.

Certificate to be evidence.

Calls may be deducted from dividends.

16. The directors may deduct from the dividends payable to any shareholder all such sums of money as may be due from him to the Company on account of calls or otherwise.

Votes on shares.

17. At all meetings of the shareholders each share shall entitle the holder to one vote, which may be given in person or by proxy; but no one who is not a shareholder shall act or vote as such proxy, and no shareholder shall be entitled either in person or by proxy to vote at any meeting upon any share or shares in respect to which any call is in arrear.

Annual general meeting and proceedings thereat.

18. The first general meeting of the Company shall be held as hereinbefore provided; and in each year thereafter, on the same day, or on such day as the Company by any by-law may from time to time appoint, there shall be held a general meeting for the election of directors, and for such other proceedings and business as it is competent for the shareholders to deal with and determine; and ten days' notice of every such meeting shall be given in one or more of the newspapers published in the city where the head office of the Company is situate.

Failure of election not to dissolve company.

19. If at any time an election of directors be not made, or do not take effect at the proper time, the Company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose; and the retiring directors shall continue in office until their successors are elected

Vacancies how filled.

20. When a vacancy occurs by the death or resignation of a director, the vacancy shall be supplied by the remaining directors at a subsequent meeting, appointing by resolution a director or directors in the place or stead of the director or directors so having died or resigned.

Directors may make by-laws.

21. The directors may from time to time make, alter, amend or repeal such by-laws, rules or regulations as they may deem necessary and proper for the management of the affairs of the Company generally, but every such by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Com-

pany, duly called for that purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereat shall, at and from that time only, cease to have force: Provided always that one-fourth part in value of the shareholders of the Company shall, at all times, have a right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Shares to be personal estate.

Proviso as to transfers.

22. All and every the shares in the capital stock of the Company, and all profits and advantages arising therefrom shall be deemed to be personal estate, and shall be transferable and transmissible as such; Provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose by such officer as the directors may from time to time designate; and provided also, that whenever any shareholder shall transfer in manner aforesaid all his stock or shares in the said Company, such shareholder shall cease to be a member of the said corporation.

When registration of transfer may be refused.

23. The directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the Company.

Legal domicile.

24. The Company shall, at all times, have an office in the city or town in which their chief place of business shall be, which shall be the legal domicile of the Company in Canada, and notice of the situation of that office and of any change therein shall be advertised in the *Canada Gazette*; and they may establish such other offices and agencies elsewhere in the Dominion of Canada as they may deem expedient.

Injury of property, &c., to be a misdemeanor.

25. Any person who shall wilfully or maliciously injure, molest or destroy any of the lines, posts or other material or property of the Company, or in any way wilfully obstruct or interfere with the working of the said *telegraph or* telephone lines, or intercept the messages transmitted thereon, shall be guilty of a misdemeanor.

Powers as to real estate.

26. The said Company shall have power to purchase, lease or otherwise acquire and hold all such real estate as may from time to time be deemed requisite for the purposes of the Company, and also to sell, lease or otherwise dispose of, and to mortgage, pledge or incumber, such real estate or any part or parts thereof from time to time, in such manner and on such terms as they may deem fit.

Certain rights saved.

27. Nothing herein contained shall prejudice or affect any agreements entered into by Alexander Melville Bell with any person or persons or corporation with reference to the Bell Telephone.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate "The Bell Telephone Company of Canada"

Reprinted as amended by the Sub-Committee of the Select Standing Committee on Railways, Canals and Telegraph Lines, to which it was referred.

(PRIVATE BILL.)

Mr. Kilvert.

OTTAWA:
Printed by MacLean, Roger & Co.

1880.

No. 18.] **BILL.** [1880.

An Act to make provision for the winding up of Insolvent Incorporated Fire or Marine Insurance Companies.

Preamble.

WHEREAS it is expedient to make provision for the winding up of insolvent incorporated Fire or Marine Insurance Companies; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Application of Act.

1. The provisions of this Act shall apply to Fire or Marine Insurance Companies incorporated by the Parliament of Canada, or, either before or after the Union, by the Legislature of any of the Provinces of which Canada is composed.

When companies are to be held to be insolvent.

2. Such companies shall be held to be and to have become insolvent and liable to be wound up under the provisions of this Act by failure to pay any undisputed claim arising, or loss insured against, for the space of sixty days after its being due and payable, or, if disputed, after final judgment and tender of a valid discharge; and, in either case, if the company be licensed under the Act respecting insurance, after notice served on the Minister of Finance, as provided by the sixteenth section of "*An Act respecting Insurance*" passed in the thirty-eighth year of Her Majesty's reign, and chaptered twenty.

Undisputed and disputed claims.

3. In case of a claim arising against any such company, by reason of a policy issued or contract made by such Company, after due proof of loss by the insured or holder of the policy the claim shall be deemed and considered to be an undisputed claim within the meaning of this Act until the said company notify the insured or holder of the policy that the claim is disputed, in which case the Company shall, with such notice, also give the grounds upon which the company intend to resist payment of the claim, and from the date of the receipt of such notice and grounds of contestation the claim shall be considered to be a disputed claim within the meaning of this Act.

Annual return by companies.

2. All such companies shall make an annual return to the Minister of Finance of all claims paid by them during the preceding year, and also of all claims by them disputed, with the grounds of contestation in each case; and further, they shall report all cases decided by the courts, whether favorably or adversely to their contestations.

When to be made.

3. Such return shall be made in the first week in January in each year, and shall cover the period from the first day of January to the thirty-first day of December of the preceding year.

Writ of attachment against estate of company.

How obtained.

4. In case of the insolvency of any such company, any creditor of such company, or the Minister of Finance on behalf of the Government of Canada, upon affidavit setting forth the insolvency of such company, may obtain from the Superior or County Court in the county or district in which the company has its chief place of business a writ of attachment directed to the sheriff or other officer of such Court for such county or district, ordering such officer to attach and hold in his custody the estate of such company.

Formalities of.

2. Such writ of attachment shall be issued by such court upon the production of an order of a judge as hereinafter provided for, and the said affidavit, which, in case the applicant for the writ is a creditor of the Company, shall also set forth the claim due; it shall be signed by the officer of the court empowered to sign ordinary writs of attachment issued out of court, and shall be clothed with the formalities of such ordinary writs of attachment as far as may be practicable.

Execution of writ, subsequent proceedings under, and return.

5. The officer to whom such writ is directed, or his deputy, shall upon receipt of the writ immediately execute the same by serving a copy thereof upon such insurance company, and by publishing for two weeks a notice in the *Canada Gazette*, and in two newspapers published in the locality of the head office of such Company of the fact of the issuing of such writ of attachment; he shall at once take possession of the office and of all the money and movable property of such Company, including their books of account; and shall make an inventory of all property of which he takes possession; all such property shall remain in the custody and possession of such officers, until otherwise disposed of by judgment or order of the court issuing such writ of attachment or of a judge thereof; he shall, immediately upon the completion of such inventory, return the writ of attachment to the court issuing the same with a return of his proceedings thereunder; such officer shall have the power to employ such assistants as may be necessary to complete such attachment, and keep and guard the property; and he shall be held responsible for the production of such property whenever legally required to produce the same; and in case of his failure to produce such property when so called upon or to pay the value thereof, he shall be imprisoned until he do produce the same or pay the value thereof

Payment of attaching officers.

2. Such officer shall be entitled to receive and shall be paid such reasonable sum as the court issuing such attachment may fix, after notice to the parties interested; and the same shall form part of the costs in the case.

As to money and securities

3. In case the company have, when such writ issues, money or securities in any bank, the officer in charge of said writ

shall serve a copy of the writ upon said bank, and thereafter the said bank shall hold such money or securities subject to the order of the court issuing the writ of attachment or of a judge thereof; and all post letters for the Company arriving after the issuing of the writ of attachment shall be held by the officer in charge of the writ of attachment subject to the orders of the court issuing the same or of the judge thereof. in bank and letters.

6. The said writ of attachment shall only be issued upon an order of a Judge of the Superior or County Court in the county or district in which such company has its chief place of business, upon application made to such judge after due notice to the company interested, and the *said judges* shall have primary jurisdiction in all matters arising under this Act. What judges to issue writs.

2. The judge may adjourn proceedings upon any application for a writ of attachment for a time not exceeding six months from the time at which the company became insolvent, and he may, before granting a writ of attachment, order an accountant or other person whom he may name to inquire into the affairs of the company and to report thereon within a period not exceeding thirty days from the date of such order. Adjournment of proceedings by judge.

3. Upon such order it shall be the duty of such company, and of the president, directors, managers and employees thereof, and of every other person, having possession or knowledge thereof, to exhibit to the accountant or other person so named as aforesaid, or to his deputy, the books of account, together with all inventories, papers, and vouchers referring to the business of the company, or of any other person; and generally to give all such information as may be required by the said accountant or other person as aforesaid, to form a just estimate of the affairs of the company; and any refusal on the part of the said president, directors, managers or employees of the company to give such information shall, on evidence of such refusal, be considered as a contempt of an order of the court or judge, and punishable by fine or imprisonment or by both at the discretion of the judge. Company to exhibit books, &c. Refusal to be contempt of court.

4. From the time the above order is served upon the company, the president, directors, managers and employees thereof, and all other persons having the control or possession of its affairs or property, shall hold the estate and property of the said company upon trust for the creditors of the said company, and shall be bound to account for all the property of the said company under the same obligations, liabilities, and responsibilities as trustees appointed by courts of law or equity in the several Provinces, or as guardians and sequestrators in the Province of Quebec, are bound. After service of writ company to hold property in trust.

5. Upon the report of the accountant or other person so named as aforesaid, or before any order is given for the examination into the affairs of the company, as herein provided, the judge Meeting of creditors.

may order that a meeting of the creditors be called,—at which meeting the creditors present, who shall verify their claims under oath, may pass such resolutions either for the winding up of the affairs of the company or for allowing the business thereof to be carried on as they may deem most advantageous to the creditors; and may also indicate the mode in which the business of the company should be wound up or should be continued; stockholders of the company may take part in this meeting.

Powers of creditors.

Meeting, how called.

6. Such meeting shall be called by publishing for two weeks, in the *Canada Gazette* and in two newspapers published in the county or district, a notice calling the same, and the meeting shall be held in the presence of and under the direction of the judge.

Powers of judge in relation thereto.

7. The judge, after hearing such creditors and stockholders as may be present, the accountant or other person named as aforesaid, and the company, may confirm, reject or modify the said resolutions; and he may order the immediate issue of a writ of attachment to attach the estate of the company, or direct that the issue of such writ shall be suspended for a period not exceeding six months,—during which period he may order that the accountant so named or some other person named by him, shall exercise a general supervision over the estate and business of the said company by requiring from the president, directors, managers and employees of the company, such periodical accounts and statements of the business done, and of the moneys received and expended or disbursed since the last statement as may be required by the said accountant or other person mentioned as aforesaid to obtain a proper knowledge of the affairs of the company.

Supervision of accountant over estates.

Receiver may be appointed.

8. The judge may also, if he deems it for the advantage of the creditors, appoint a receiver charged with such duties as to the superintendence or management of the affairs of the company as may be imposed upon him by the order of the judge; and who shall also assume and be invested with all the powers vested in the directors and stockholders respecting the calling in and collecting of the unpaid stock of the company, and subject to such orders and directions as he may, from time to time, receive from the judge.

Receiver to account.

9. Such receiver shall account, whenever ordered by the court or judge, for all moneys or property he may have received from the estate.

Another meeting of creditors.

10. Before the expiration of the six months next after such order, the accountant or other person so named as aforesaid, or the receiver, as the case may be, shall cause another meeting of the creditors to be called.

Further delay may be granted.

11. On the resolutions adopted at such meeting the judge may either grant a further delay not exceeding six months, or cause a writ of attachment to issue at the instance of any creditor or creditors.

12. If, at the expiration of such prolonged delay, the demands made upon the company to place it in liquidation have not been satisfied, the judge shall order tne issue of a writ of attachment; and the estate of the said company shall be wound up under the provisions of this Act, unless the creditor or creditors entitled to such writ shall consent to a further delay. If demands are unsatisfied estate may be wound up.

13. Nothing in this section shall prevent the judge before the expiratien of the delays he may have granted under the preceding sub-sections, from cancelling the orders so given by him, and from ordering the issue of a writ of attachment or from releasing the company from the effect of any such order, as circumstances may require. Judge may modify orders.

14. The president, directors, managers or other officers or employees of the company and any other person may be examined by the judge respecting the affairs of the company; and each of them shall, for refusal to answer any question put in reference to the business within his own cognizance, be liable to the same penalties as ordinary witnesses refusing to answer in a court of justice. Examination of officers of company.

15. The remuneration of the accountant or other person named as aforesaid and of the receiver, for services performed under the preceding sub-sections shall be fixed by the judge, after notice to parties interested. Remuneration of accountant.

16. An incorporated Fire or Marine Insurance Company may be appointed a receiver, and in case of such appointment may act through one or more of its principal officers to be approved by the judge. An insurance company may be reeciver.

17. Publication in the *Canada Gazette* and in two newspapers published at or nearest the place where the head office of the company is situated, of notice of any proceeding of which under this Act creditors and others should be notified, shall be deemed sufficient notice to such creditors and other persons, and shall be deemed sufficient notice to holders of policies or contracts for insurance in respect of which no notice of loss has been received. Notice to creditors.

18. In case the writ issues without any adjournment of proceedings the company may present a petition to the judge at any time within five days from the service of the writ of attachment; and may thereby pray for the setting aside of the attachment made under such writ, on the ground that the company has not become subject to liquidation: and such petition shall be heard and determined by the judge in a summary manner, and conformably to the evidence adduced before him thereon; and the judgment, subject to appeal as hereinafter provided, shall be final and conclusive. Setting aside attachment. Proceedings on petition.

7. Immediately after the return of a writ of attachment the judge shall call a meeting of the creditors and stockholders of the company, and after hearing them and other parties interested he shall appoint a receiver whose duty it Proceedings after return of writ.

shall be ts wind up the affairs of the company as expeditiously as possible.

Receiver to give notice and security.

2. The receiver shall give notice of his appointment in the manner herein provided for the publication of notices, and he shall give such security as the judge may fix.

Directions by judge.

8. In the order appointing the receiver, the judge may direct him how he shall proceed to wind up the company.

Dividend sheet.

9. In case no direction is given the receiver shall as soon as practicable realize the assets of the company by selling the property of the company in a public manner, after proper notice : He shall by public notice call upon the creditors of the company to fyle their claims with him, and as soon as practicable he shall prepare a dividend sheet in which he shall set down the names of all creditors so far as known to him, with the amount of their claims respectively, and the amount which he proposes to pay to each : This dividend sheet shall be deposited in the office of the receiver and a copy of it shall be sent to every creditor to an amount exceeding one hundred dollars ; Public notice shall also be given in the manner provided by this Act of the deposit of such dividend sheet, and that it will be presented to a judge for approval on a day fixed in the notice, which shall not be less than thirty days from the first publication of the notice. If no objection to the dividend sheet is fyled with the receiver, he shall on the day fixed present the same to a judge for approval and confirmation.

Payment of creditors.

1. After the dividend sheet has been approved by the judge, the same shall be final and conclusive as establishing who are creditors and what amount they are respectively entitled to be paid out of the assets of the company, and the receiver shall without delay pay to the creditors the amount for which they have been collocated.

Contestation of dividend sheet.

2. In case the dividend sheet is contested, the receiver shall on the day fixed present the sheet with the contestations thereof to the Judge, who shall in a summary manner try the issues raised by the contestations, and by his judgment either confirm the sheet or order a new one to be made.

Privileged creditors.

3. In the preparation of dividend sheets, the rights of privileged creditors shall be preserved.

Interim dividend sheet.

4. The judge may order interim or partial dividend sheets to be prepared in cases where the preparation of the final dividend sheet must necessarily be delayed ; such interim sheets shall be prepared and deposited in the manner provided for final dividend sheets.

Resturctions of receiver.

10. The receiver shall be an officer of the court and under the control and direction of the judge who may authorize and order such receiver to perform any act necessary to the winding up of the company : The receiver may not

directly or indirectly buy any of the assets of the company, except by leave of the judge.

Powers of receiver.

11. Upon the appointment of a receiver, all right, power, title and interest which the company has in and to any real estate or personal property, including their books of account, vouchers, letters, titles to property and other papers, all moneys, negotiable papers, stocks, bonds and other securities, and generally all assets of every kind and description, shall vest in the receiver under the same charges and obligations as the company was liable to with regard to the same, and he may exercise all the rights and powers of the company in respect to their estate, and in his own name, as such receiver, shall have the exclusive right to sue for the recovery of all debts due to the company, and to rescind agreements and deeds made in fraud of creditors, and to take, both in the prosecution and defence of all suits, all the proceedings that the company might have taken, and he may intervene in all suits pending at the time of his appointment, in which the company is interested.

Death, &c., of receiver.

12. Upon the death of a receiver, or upon his removal from office, the estate shall remain under the control of the judge until the appointment of another receiver by the judge, when the estate shall become vested in such new receiver.

Registration of writ of attachment.

13. A copy of the writ of attachment certified by the clerk of the court, shall forthwith be registered in the registry office of the county wherein the company have their chief place of business, and also in every county or registration district wherein they may have any real estate ; in the Province of Quebec such writ of attachment shall be accompanied by a description of the real estate belonging to the company, and shall be registered in the county or registration district wherein the same is situate, and after such registration the company shall not sell or convey such real estate so long as the attachment subsists.

How effected.

2. The officer charged with the execution of the writ or attachment shall effect such registration, provided company own any real estate.

Sale of real estate.

14. The receiver may sell the real estate of the company, but only after advertisement thereof for a period of two months, and in the same manner as is required for the advertisement of sales of real estate by the sheriff in the place where such real estate is situate.

Title given.

15. All sales of real estate so made by the receiver shall vest in the purchasers all the legal and equitable estate of the company therein.

Privileged claims, &c.

16. Out of the proceeds of the sale of such real estate, shall first be paid the amount of any mortgage or privileged claim thereon.

Seizure in execution after the estate is in liquidation.

17. No lien or privilege upon either the personal or real estate of the company shall be created for the amount of any judgment debt, or the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the company, if before the payment over to the plaintiff of the moneys actually levied under such writ, the estate of the company has been put in liquidation under this Act; but this provision shall not affect any lien or privilege for costs which the plaintiff possesses under the law of the Province in which such writ shall have besn issued.

When in liquidation.

2. The estate shall be in liquidation from the moment the writ of attachment issues.

Costs in suits after issue of writ of attachment.

18. No costs incurred in suits against the company, after due notice has been given according to the provisions of this Act, of the issue of a writ of attachment in liquidation, shall rank upon the estate of the company; but all the taxable costs incurred in proceedings against it up to that time shall be added to the demand for the recovery of which such proceedings were instituted; and shall rank upon the estate as if they formed part of the original debt, except as herein otherwise provided.

Service of papers, &c.

19. Except when otherwise provided by this Act, one clear juridical day's notice of any petition, motion, order or rule, shall be sufficient if the party notified resides within fifteen miles of the place where the proceeding is to be taken; and one extra day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding; and service of such notice shall be made in such manner as is now prescribed for similar services in the Province within which the service is made.

Appeals from decisions of judge in Province of Quebec.

20. In the Province of Quebec all decisions by a judge in chambers in matters arising under this Act shall be considered as judgments of the Superior Court, and any order or judgment rendered by such judge or court may be inscribed foi revision or may be appealed from by the parties aggrieved in the same cases and in the same manner as they might inscribe for revision or appeal from a final judgment of the Superior Court in ordinary cases, under the laws in force when such descision shall be rendered. If any of the parties to any contestation, matter or thing upon which a judge has made any order or judgment are dissatisfied with such order or judgment, they may, in the Province of Ontario, appeal therefrom to either of the superior courts of common law or to the Court of Chancery, or to any one of the judges of the said courts; in the Province of New Brunswick to the Supreme Court of New Brunswick, or to any one of the judges of the said court; in the Province of Nova Scotia to the Supreme Court of Nova Scotia, or to any one of the judges of the said court; in the Province of British Columbia to the Supreme Court of that Province, or to any judge of the said court; in the Province of Prince Edward Island to the Supreme Court of Judicature, or to any judge of the said

In other Provinces.

court ; in the Province of Manitoba, to the Court of Queen's Bench, or to any judge of the said court ; in the North-West Territories or Keewatin ;—

but any appeal to a single judge in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island or Manitoba, may, in his discretion, be referred, on a special case to be settled, to the full court, and on such terms in the mean time as he may think necessary and just. No such appeal or proceeding in revision shall be entertained unless the appellant or party inscribing for revision shall have, within eight days from the rendering of such final order or judgment, adopted proceedings on the said appeal or revision, or unless he shall, within the said delay, have made a deposit or given sufficient sureties before a judge that he will duly prosecute the said appeal or proceedings in revision, and pay such damages and costs as may be awarded to the respondent. If the party appellant does not proceed with his appeal, or in review, as the case may be, according to the law or the rules of practice, the court, on application of the respondent, may order the record to be returned to the officer entitled to the custody thereof and condemn the appellant to pay the respondent the costs by him incurred.

Prosecution of appeal.

Appellant not proceeding.

21. Holders of policies or contracts for insurance on which no loss has accrued shall be entitled to claim as creditors for any loss which may accrue during the continuance of the risk within six months after the issue of the writ of attachment, and in case no such loss accrues, or in case (whether or not any such loss accrues) they have after the issue of the writ of attachment re-insured without the consent of the company, then for a part of the premium paid proportionate to the period of their policies or contracts respectively unexpired at the end of the said term of six months; and such claims shall rank with judgments obtained and claims accrued, in the distribution of the assets ; Provided always, that whenever the company or the holder of the policy or contract of insurance, exercises any right which it or he may have to cancel the policy or contract, the holder of the policy or contract shall be entitled to claim as a creditor for the sum, which under the terms of the policy or contract is due to him upon such cancellation.

Holders of policies to rank as creditors.

Proviso.

22. Notwithstanding the provisions of "The Insurance Acts of 1875 and 1877," any deposit held by the Minister of Finance for policy-holders shall be applied and distributed by the receiver under this Act among the persons entitled to claim thereon under the said Acts, and for that purpose the receiver, court and judge respectively, shall have all the powers conferred on the *assignee* and court respectively, prescribed by the said Acts : Provided always, that notwithstanding anything contained in the said Acts the holders of policies or contracts for insurance in Canada shall be entitled to claim against the said deposit under the said Acts and this section, for any loss which may accrue during the continuance of the risk within six months after the issue of the writ of attachment or the making of the assignment ; and in case no

Distribution of deposit held by Minister of Finance.

Proviso.

such loss accrues, for a part of the premium paid proportionate to the period of their policies or contracts respectively, unexpired at the end of the said term of six months; Provided, however, that whenever the company or the holder of a policy or contract of insurance in Canada exercises any right which it or he may have, to cancel the policy or contract, the holder of the policy or contract shall be entitled to claim against the said deposit for the sum which, under the terms of the policy or contract, is due to him upon such cancellation; Provided further, that all such claims as aforesaid shall rank on the deposit with judgments obtained and claims accrued in respect of policies in Canada.

Proviso.

Proviso.

Collocation of creditors.

23. The receiver shall, without the filing of any claim notice or evidence, make a statement of all the persons appearing by the books and records and the reports of the officers of the company, to be creditors or claimants, and of the amounts due to each such person thereunder, and every such person shall be collocated and rank as and be entitled to the rights of a creditor or claimant for such amount, without filing any claim, notice or evidence, or taking any action: Provided always, that any such collocation may be contested by any party interested, and that any person not collocated, or dissatisfied with the amount for which he is collocated, may file his claim with the receiver.

Contestation of collocation.

Re-insurance of outstanding risks.

24. The receiver may, in pursuance of any resolution which has been passed for the purpose at a meeting of creditors (at which meeting every creditor in respect of an unearned premium, may vote, although his claim may be less than one hundred dollars), and which resolution has been approved by the court or judge, arrange with any incorporated insurance company certified by the Superintendent of Insurance to be in good standing, for the re-insurance by such company of the outstanding risks of the insolvent company, and for the assumption by such company of the whole or any part of the other liabilities of the insolvent company; and in case of such arrangement the assignee may pay or transfer to such company such of the assets of the insolvent company as may be agreed on as the consideration for such assumption, and in such case the arrangement for re-insurance shall be in lieu of the claim for unearned premium: Provided always, that any remaining assets of the insolvent company shall be retained by the assignee as a security to the creditors for the payment of their claims, and shall, if necessary, be so applied, and shall not be returned to the company save on the order of the court or judge after the satisfaction of such claims.

Transfer of assets.

Proviso.

Report of superintendent of insurance.

25. If the company be licensed under the Acts respecting insurance, it shall be the duty of the receiver to report to the Superintendent of Insurance once in every six months, or oftener as the superintendent may require, on the condition of the affairs of the company, with such further particulars as the superintendent may require.

26. Chapter twenty-one of the statutes of the Parliament of Canada, passed in the forty-first year of Her Majesty's reign and intituled "*An Act to make provision for the winding up of Insolvent Incorporated Fire or Marine Insurance Companies*" is hereby repealed. 41 V. c. 21, repealed.

No. 18.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to make provision for the winding up of Insolvent Incorporated Fire or Marine Insurance Companies.

Received and read, first time, Monday, 23rd February, 1880.

Second reading, Tuesday, 24th February, 1880.

Mr. IVES.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1880.

No. 19. **BILL.** [1880.

An Act for the more effectual Prevention of Crime.

Preamble

WHEREAS it is expedient to make further provision for the prevention of crime: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Registers of persons convicted of crime to be kept; and where.

1. Registers of all persons convicted of crime in each Province of Canada shall be kept as follows: For Ontario in Toronto, for Quebec in Montreal, for Nova Scotia in Halifax, for New Brunswick in St. John, for Prince Edward Island in Charlottetown, for British Columbia in Victoria, for Manitoba, Keewatin, and the North-West Territories in Winnipeg:

How and by whom.

(2.) The register shall be kept in each place by such person as shall be appointed by the proper Provincial authority in that behalf:

In what form.

(3.) The register shall be kept in such form and shall contain such particulars, and shall be subject to such use and inspection as may from time to time be prescribed by the Governor in Council:

Wardens of penitentiaries or reformatories & sheriffs to make returns of convicts coming into their custody.

Penalty for default to make returns, or making false statements in them.

(4.) The warden of every penitentiary or reformatory, and the sheriff of every district, shall make returns of the persons convicted of crime and coming within his custody, in such form and containing such particulars as may from time to time be prescribed by the Governor in Council; and every warden or sheriff who refuses or neglects to transmit such returns, or wilfully transmits a return containing any false or imperfect statements, shall for every such offence forfeit and pay the sum of *eighty dollars*, together with full costs of suit, to be recovered by any person suing for the same by action of debt or information in any court of record in the Province or Territory in which the same ought to have been or is made, or in the Exchequer Court of Canada; and one moiety whereof shall be paid to the party suing and the other moiety into the hands of Her Majesty's Receiver-General to and for the public uses of Canada.

Governor in Council may make regulations as to photographing convicts.

2. The Governor in Council may from time to time make and alter regulations as to the photographing of all prisoners convicted of crime who may for the time being be confined in any penitentiary, reformatory or gaol in Canada, and may in such regulations prescribe the time or times at which and the

manner or dress in which such prisoners are to be photographed, and the number of photographs of each prisoner to be printed, and the persons to whom such photographs are to be sent.

To be deemed prison rules.

2. Any such regulations shall be deemed to be prison rules; and any prisoner refusing to obey any such regulation shall be deemed guilty of an offence against prison discipline.

Additional punishment of persons convicted and having previous conviction proved, against them, if subsequently offending in certain ways.

3. Every person convicted of a crime, and having had a previous conviction before or after the passing of this Act proved against him, shall be guilty of an offence against this Act, and be liable to imprisonment with or without hard labour for a term not exceeding one year, if at any time within seven years immediately after the expiration of the sentence passed upon him for the last of such crimes;—

(*a.*) On his being charged by a constable with getting his livelihood by dishonest means, it appears to the court that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

(*b.*) On his being charged with any crime, and on being required by the court to give his name and address, he refuses to do so, or gives a false name, or a false address; or

(*c.*) He is found in any place, whether public or private, under such circumstances as to satisfy the court that he was about to commit or to aid in the commission of any crime, or was waiting for an opportunity to commit or aid in the commission of any crime; or

(*d.*) He is found in any dwelling house, shop, warehouse, counting house, or other place of business, or in or upon any building, yard, or premises being parcel of or attached thereto, or in any garden, orchard, nursery ground, or pleasure ground, or in any building or erection therein, without being able to account to the satisfaction of the court for his being so there.

Such persons may be made subject to supervision of police.

4. When any person is convicted of a crime, and has had a previous conviction before or after the passing of this Act proved against him, the court may, in adddition to any other punishment which it may award to him, direct that he is to be subject to the supervision of the police for such period not exceeding seven years, as the court may direct, commencing immediately after the expiration of the sentence passed on him for the last of such crimes.

Obligations of persons subject to such supervision.

5. Every person subject to the supervision of the police who is at large in Canada, shall within forty-eight hours after he becomes so subject, notify the place of his residence to the chief officer of police, or the chief constable, as the case may be, of the district in which he resides, and whenever he changes his residence within such district, shall within forty-eight hours notify such change of residence to such chief officer or constable, and whenever he changes his residence from one district to another shall within forty-eight hours notify such change of residence to the chief officer of police or chief con-

stable of each district, and shall, if a male, once in each month, at such time as may be prescribed by the chief officer of police or chief constable of the district in which he resides, and personally or by letter as such chief officer or constable may direct, report himself to such chief officer or constable or to such other person as such chief officer or constable may appoint.

Penalty for neglect to comply therewith.

(2.) Every person subject to the provisions of this section who fails to comply with any of such provisions shall, unless he proves to the satisfaction of a court of summary jurisdiction that he did his best to act in conformity with the law, be guilty of an offence against this Act, and be liable to imprisonment with or without hard labour for any time not exceeding one year.

Word "crime" what to include.

6. Crime in this Act means any offence punishable by fine or imprisonment, or both, under any law of Canada.

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

7. The Act 32nd and 33rd Victoria, chapter 32, intituled "*An Act respecting the prompt and summary administration of criminal justice in certain cases*," shall apply to cases arising under this Act.

Proof of prior conviction.

8. A prior conviction may be proved for the purposes of this Act in any way in which it may, by the criminal law of Canada, be proved for any other purpose.

No. 19.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act for the more effectual Prevention of Crime.

Received and read, first time, Monday, 23rd February, 1880.

Second reading, Tuesday, 24th February, 1880.

MR. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 20.] **BILL.** [1880

An Act for constituting a Court of Railway Commissioners for Canada, and to amend the Consolidated Railway Act, 1879.

(NOTE.—*The clauses in brackets will be moved in Committee.*)

Preamble.

WHEREAS disputes frequently arise between municipalities and railway companies, respecting the crossing of roads and streets and the location of roads and streets across the tracks of such railways, and the manner of such crossings, and the terms and conditions applicable thereto; also as to the alignment, arrangement, disposition and limitation of tracks within such municipalities; also as to the compensation payable by railway companies for lands taken or occupied by them, in which lands such municipalities are interested or in respect of which they claim compensation; also respecting by-laws passed by municipalities in aid of railways and agreements made in relation thereto;

And whereas disputes also frequently arise between railway companies themselves as to traffic arrangements, the adjustment of rates for passengers and freight, crossing of tracks and compensation therefor including cost of maintenance, the alignment, arrangement, disposition and location of tracks; rights of way over or through lands owned or occupied by railway companies; running powers; haulage; use of tracks; use of stations and station grounds; adjustment of time tables; transhipment and interchange of freight and other matters relating to "powers," "highways and bridges," and "traffic arrangements;" And whereas it is expedient that a court should be established for the settlement of such disputes in a summary manner: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

Short title.

1. This Act may be cited as "The Railway Commission Act of 1880."

Interpretation of terms.

2. In this Act the term "Railway Company" includes the lessee of any railway; the term "Provincial Railway" means a railway in any of the Provinces of the Dominion which does not come within the exceptions contained in the tenth sub-section of the ninety-second section of the British North America Act; the term "Dominion Railway" means a railway connecting any one Province with any other or others of the Provinces of Canada, or extending beyond the limits of

of any one Province, or which, although wholly situate within one Province, has been or may be hereafter declared by the Parliament of Canada, to be for the general advantage of Canada, or for the advantage of two or more of the Provinces; the term "The Railway Act," means *The Consolidated Railway Act*, 1879; and section five of the said Railway Act is hereby incorporated with and made part of this Act.

Appointment of Commissioners. Imperial Act, s. 4, 36, 37 V., c. 48.

3. It shall be lawful for the Governor in Council to appoint three Railway Commissioners, of whom one shall be of experience in the law, and one of experience in railway business, and upon the occurrence of any vacancy in the office of such Commissioner, from time to time in like manner to appoint some fit person to fill the vacancy: It shall be lawful for the Governor to remove, for inability or misbehaviour, any Commissioner so appointed in pursuance of this Act. The three Commissioners appointed under this Act shall be styled "The Railway Commissioners of Canada," and shall have an official seal which shall be judicially noticed.

Commissioners' Registrar, renumeration and duties. Imperial Act, s. 24.

4. It shall be lawful for the said Commissioners from time to time to appoint a Registrar, to be called "The Commissioners' Registrar": the Commissioners' Registrar shall be remunerated by such an appropriation of fees as the Commissioners shall by general order direct, and shall be subject to the orders of the Commissioners, and shall make such enquiries and reports and shall perform such acts and services as the Commissioners shall require.

Sittings of Commissioners. Imperial Act, s. 27.

5. The Commissioners shall sit at such times and in such places and conduct their proceedings in such a manner as to them may seem most convenient for the speedy despatch of business; they may in certain cases prescribed by the general orders sit separately; they may sit either in private or in open court; but any complaint made to them shall, on the application of any party thereto, be heard and determined in open court.

As to cases where Commissioners are interested. Imperial Act, s. 5.

6. It shall not be lawful for the Commissioners, except by consent of the parties to the proceedings, to exercise any jurisdiction by this Act conferred upon them, in any case in which they shall be directly or indirectly interested.

Case of inability to act provided for.

7. In case of one or more of the Commissioners being unable to act, either on the ground of illness, interest, absence or other cause, or in the case of a vacancy in the board, it shall be lawful for the Governor in Council to appoint one or more Commissioners, as the case may be, to fill the office and perform the duties temporarily; a Commissioner appointed under this section shall have the same power and authority as one appointed under the *third* section of this Act.

Cases in which appli-

8. Any municipality or railway company may, with reference to any of the matters set forth in the recital to this Act,

or any person complaining of anything done or any omission made in violation or contravention of those clauses of the Railway Act relating to traffic arrangement or of this Act, apply to the said Commissioners. cation may be made to Commissioners. Imperial Act, s. 6.

9. When any difference between railway companies is or hereafter may be required or authorized to be referred to arbitration, such difference shall, at the instance of any party thereto and with the consent of at least one of the Commissioners, be referred to them for their decision in lieu of being referred to arbitration. Cases of reference to arbitration. Imperial Act, s. 8.

10. Proceedings before the Commissioners shall be commenced by a petition signed by the applicant or his solicitor, stating fully the matters in difference and the nature of the order, decision or remedy which in the opinion of the applicant shall be applicable to the case. Commencement of proceedings.

11. Such petitions shall be fyled in the office of the Commissioners' Registrar, who shall, at the petitioner's request, thereupon by summons call upon the opposite parties, to show cause before him, why the matters in difference should not be adjudicated upon by the said Commissioners. Petition to be fyled and summons issued.

12. The Commissioners' Registrar shall have the power to refer the petition to the Commissioners or to refuse to refer the same ; but any party shall be at liberty to appeal from his decision to a Judge of the Exchequer Court, whose decision shall be final ; nor shall it be competent for any of the parties at any subsequent period, to question the jurisdiction or authority of the Commissioners to adjudicate upon the said matters ; the said Registar in the first instance, and the said Judge upon the appeal, may order the said petition to be amended, if it appears that any matters are embraced therein that are not within the scope of this Act ; no question shall be raised or entertained upon such application or appeal except the question whether the matters embraced or complained of in the said petition are within the meaning and scope of this Act. Powers of Registrar on any petition. Appeal from his decision to Judge of Exchequer Court. Amending petitions. What objection only allowed.

13. The said Commissioners shall, with reference to all the matters mentioned in this Act, have full power and authority : To make such orders, decisions or directions (including injunctions) as to them shall seem just and whether any remedies or jurisdiction with respect to such matters did or did not therefore exist ; the said Commissioners shall also have the following powers, that is to say : Powers of Commissioners. Orders 5, including injunction.

a. They may by themselves, or by any person appointed by them, enter and inspect any place or building—the entrance or inspection of which appears to them requisite ; Imperial Act, s. 25. Inspection of locality.

b. They may require the attendance of all such persons as they think fit to call before them and examine, and may require answers and returns to such enquiries as they think fit to make ; What they may require.

c. They may require the production of all books, papers and documents relating to the matters before them ;

d. They may administer oaths ;

e. They may, when sitting in open Court, punish in contempt in like manner, and to the same extent as a Judge at *nisi prius* ;

Commanding attendance of witnesses.

f. They may issue subpœnas commanding the attendance for examination of any witness, and also the production of any document at the time and place mentioned in such subpœna ; such subpœna shall be signed by one of the Commissioners, and shall in other respects be in the same form as subpœnas issued out of the Supreme Court ; and the disobedience of such subpœnas shall be deemed a contempt of Court, and shall be punishable in the same manner and to the like extent ; and witnesses shall be entitled to the like conduct money, as in the case of supbœnas issued out of the Exchequer Court.

Payment of witnesses.

Order or decision may be made a rule of Exchequer Court. Imperial Act, s. 25.

14. Any order or decision made by the Commissioners, for the purpose of carrying into effect any of the provisions of this Act, may be made a rule or order of the Exchequer Court, and may be enforced in like manner as any rule, order, or decree of such Court ; for the purpose of carrying into effect this section, general rules and orders may be made, by the Exchequer Court, in the same manner as general rules and orders may be made with respect to any other proceedings in such Court ; the Commissioners may, of their own motion or at the instance of any party to the proceedings before them, and upon such terms as to them may seem just, state a case in writing for the opinion of the Supreme Court or any Judge thereof, upon any question which, in the opinion of the Commissioners, is a question of law, including the question of their jurisdiction or authority to adjudicate upon the matters mentioned, or complained of in the petition ; the Court or Judge to which the case is transmitted shall hear and determine the same and shall remit the matter to the Commissioners with the opinion of the Court or Judge thereon ; the Commissioners may make such orders as to the costs thereof as to them shall see fit.

Case may be stated for Judge of Supreme Court. Imp. Act, s. 26

Duty of Court or Judge in such case.

Costs. Imperial Act, s. 28.

15. The costs of and incidental to any proceeding before the Commissioners shall be in the discretion of the Commission.

Commissioners to make general rules and orders for certain purposes. Imperial Act, s. 29.

16. The Commissioners may, at any time after the passing of this Act, and from time to time, make such general rules and orders as may be requisite for declaring the duties and powers of the Registrar ; for fixing the costs to be allowed in respect of proceedings before them ; for regulating the practice as to appeals, including an appeal under the *twelfth* section of this Act and the stating of a case under the *fourteenth* section ; and also for enabling the Commissioners in certain specified cases to exercise their jurisdiction by any one or two of their number, and generally

for the regulation of proceedings before them, and for enabling them to carry into effect the provisions of this Act; they may, from time to time, revoke or alter any of such general rules and orders; every general rule and order and every revocation or alteration thereof shall be submitted to the Chief Justice of the Supreme Court for approval, and shall not come into force until approved by him; and every rule and order, purporting to be made in pursuance of this Act, and duly approved as aforesaid, shall be deemed to have been duly made and to be within the provisions of this Act, and shall have effect as if it had been enacted in this Act.

To be subject to approval of Chief Justice of Supreme Court.

18. Every document purporting to be signed by the Commissioners, or any of them, shall be received in evidence without proof of such signature, and, until the contrary is proved, shall be deemed to have been so signed, and to have been duly executed or issued.

Evidence of acts of Commissioners. Imperial Act, s. 32.

[**19.** The Commissioners may, with the concurreuce of the Governor in Council, appoint fees to be taken in relation to proceedings before them, and may, from time to time by general order with the like concurrence, increase, reduce or abolish the same, and appoint new fees; and they may also appoint and regulate the manner in which, and the time when all fees shall be paid; the Commission may, with the like concurrence, require a deposit to be made with the Registrar upon the filing of petitions, or upon the stating of a case, and may fix and regulate the amounts thereof, and may, with the like concurrence, from time to time, increase, reduce or abolish the same.]

Powers of Commissioners as to fees; and as to filing petitions. Imperial Act, s. 32.

[**19.** The said deposit, and all fees taken under this Act, shall belong to the Commissioners, and shall be in lieu of salaries: The Commissioners' Registrar shall be an officer of the Commissioners, and shall be remunerated by them.]

Application of fees and deposit.

20. The costs, charges and expenses of, and incidental to, any proceeding before the Commissioners shall or may be taxed by the Registrar.

Taxing costs.

21. An appeal shall lie from an order or decision of the Commissioners to the Supreme Court.

Appeal to Supreme Court.

22. No such appeal shall be allowed until the said order or decision shall have been made a rule of the Exchequer Court, nor unless notice of such appeal has been given in writing to the opposite party, and to the Registrar of the Supreme Court, and to the Commissioners' Registrar, within one month after the signing and entering of the said order, or within such further time as the Judge of the said Supreme Court shall allow; nor until the appellant has given proper security to the extent of $500 to the satisfaction of the Commissioners' Registrar that he will effectually prosecute his appeal within six months from the entering of such order, and will pay such costs and damages as may be awarded against him; the practice in such appeals shall

On what conditions appeal shall be allowed.

Practice in appeals.

follow as nearly as possible the practice on appeals from the highest Court of final resort established in any of the Provinces of Canada to the Supreme Court, and the rules and orders of the Supreme Court shall as nearly as possible apply thereto; the Supreme Court shall hear and determine such appeals, and may make such orders in relation to them, and may make such orders as to costs, as to the said Court may seem fit; and all such orders shall be final and conclusive on all parties; the operation of any decision or order made by the Commissioners shall not be stayed pending such appeal, unless the Commissioners, or one of them, otherwise order.

Hearing and determination of appeal. Effect of decision in appeal. Imperial Act, s. 26.

Yearly report by Commissioners to Governor. Imperial Act, s. 31.

23. The Commissioners shall, on or before the thirty-first day of December in each year, make a report to the Governor of their proceedings under this Act, during the *preceding* year—and such report shall be laid before the Senate and House of Commons within fourteen days thereafter if the Parliament is then in session, and if not, then within fourteen days after the then next meeting of Parliament.

Applications under s. 7 of Railway Act.

Reference to Commissioners.

24. Nothing in this Act contained shall render unnecessary the application to the Governor in Council required by the 3rd and 4th sub-sections of section 7 of the Railway Act; the Governor in Council may, upon any application to him under the said sub-sections, refer the question of compensation to the said Commissioners.

Decision of majority sufficient.

25. The order, judgment or direction of a majority of the said Commissioners shall in all cases be sufficient.

Power of Commissioners to fix maximum rates of tolls, &c.

26. The Commissioners in addition to the powers conferred on the Governor in Council by the Railway Act, respecting the approval and revision of tolls, and which powers and authority are hereby vested in them, shall have power to fix the maximum rates of charges for the conveyance of passengers with a due amount of baggage, and of animals and goods, on the railway; and such rates of charges shall include the tolls and the cost of locomotive power and every other expense connected with the conveyance of passengers with a due amount of baggage, and of animals and goods, upon the railway.

Commissioners' oath of office.

27. The Commissioners shall, previous to executing the duties of their office, take the following oath in open Court in the presence of a Judge of the Supreme Court:—I, do solemnly swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trusts reposed in me as Railway Commissioner for the Dominion of Canada. So help me God

PART II.

TRAFFIC ARRANGEMENTS.

Power of railway companies to vary tolls.

28. And whereas it is expedient that a railway company should be enabled to vary the tolls upon the railway so as

to accommodate them to the circumstances of the traffic, but that such power of varying should not be used for the purpose of prejudicing or favouring particular parties, or for the purpose of collusively and unfairly creating a monopoly, either in the hands of the company or of particular parties; therefore it shall be lawful for the company, subject to the provisions and limitations herein and in their special Act contained, from time to time to alter or vary the tolls by the special Act authorized to be taken, either upon the whole or upon any particular portions of the railway as they shall think fit: Provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile or otherwise, in respect of all passengers and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing only over the same portion of the line of railway under the same circumstances; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular company or person travelling upon or using the railway.

Proviso: Equal tolls to all without distinction or favour to any company or person.

29. And whereas doubts have arisen as to whether section sixty of the Railway Act empowers the making of an agreement or arrangement whereof a railway company may agree or arrange with another railway company, by means of a joint committee or otherwise, for the joint working of both of their lines of railway under one management or under the management of the directors, or of one of them, or of the superintendent of one of the said railways, and it is expedient to remove such doubts: It is therefore declared and enacted, that the agreement or arrangements therein referred to do *not* authorize the making or entering into of any such agreement or arrangement, or of any agreement or arrangement whereby the said railway companies may temporarily or for any period amalgamate, or whereby the maintenance, or management, or actual control of the working or operating of the railway is vested in the directors of both roads, or in some of them, or in a committee appointed by the directors of both roads, or is taken out of the directors of any such railway, either directly or indirectly; but the true intent and meaning thereof was and is—that such railway companies might and may, while under the control and management of each company as provided in the Acts incorporating the same respectively, make such agreements or arrangements as therein specified: but in every such case the authority so to agree, or the agreement when entered into, shall not, in any manner, affect any of the tolls, rates or charges which the companies, parties thereto, are respectively authorized to demand and receive from any person or company; but all such persons and companies shall, notwithstanding the agreement, be entitled to the use and benefit of the railways of the several companies, parties to the agreement, on the same terms and conditions, and on payment of the same tolls, rates and charges, as they would be if such authority had not been given, or the agreement had not been entered into.

Recital of doubts under Railway Act, s. 60.

Intent and meaning of the said section declared.

Notice to be given before agreement under the said Section 60.

30. Before the companies enter into the agreement provided for by the said sixtieth section of the Railway Act, notice of their intentions to do so shall be given by them, or one of them, in a form to be approved by the Commissioners, inserted once, at least, in each of three successive weeks in some newspaper published or circulating in the city or county in which each railway whereto the proposed agreement relates, or some portion of that railway, is situate; and the notice shall set forth within what time or in what manner any company or person aggrieved by the proposed agreements, and desiring to object thereto, may bring their objection before the Commissioners.

Agreement subject to approval of Commissioners.

31. The agreement shall not have any operation until it is approved by the Commissioners.

Section 60 further explained and amended.

32. And whereas it is expedient to further amend and and explain section sixty of the Railway Act, therefore: Subject as hereinafter mentioned the facilities to be afforded under it are hereby declared to include and shall include the receiving, forwarding and delivery by every railway company, at the request of any other railway company, of through traffic to and from the railway of such other company at through rates, toll or fares (in this Act referred to as "through rates);"

What the facilities thereby required shall include. Imperial Act, s. 11.

Provisoes.

Provided as follows:—

Written notice as to throughrates.

1. The company requiring the traffic to be forwarded shall give written notice of the proposed through rate to each forwarding company, stating both its amount and its apportionment, and the route by which the traffic is proposed to be forwarded;

Answer by company noticed.

2. Each forwarding company shall, within the prescribed period after the receipt of such notice, by written notice inform the company requiring the traffic to be forwarded whether they agree to the rate and route and, if they object to either, the ground of the objection;

If no objection within time prescribed.

3. If, at the expiration of the prescribed period, no such objection has been sent by any forwarding company, the rate shall come into operation at such expiration;

If objection is made.

4. If any objection to the rate or route has been sent within the prescribed period, the matter shall be referred to the Commissioners for their decision;

Commissioners to decide on reference to them.

5. If any objection be made to the granting of the rate or to the route, the Commissioners shall consider whether the granting of the rate is a due and reasonable facility in the interests of the public, and whether, having regard to the circumstances, the route proposed is a reasonable route, and shall allow, alter or refuse the rate accordingly;

If apportionment only be objected to.

6. If the objection be only to the apportionment of the rate, the rate shall come into operation at the expiration of

the prescribed period, but the decision of the Commissioner as to its apportionment shall be retrospective; in any other case the operation of the rate shall be suspended until the decision is given;

Circumstances to be considered by Commissioners.

7. The Commissioners, in apportioning the through rate, shall take into consideration all the circumstances of the case, including any special expense, incurred in respect of the construction, maintenance, or working of the route, or any part of the route, as well as any special charges which any company may have been entitled to make in respect thereof;

Commissioners may fix reduced rates.

8. It shall be lawful for the Commissioners in any case to compel any company to accept lower mileage rates than the mileage rates which such company may, for the time being, legally be charging for like traffic, carried on by a like mode of transit on any other line of communication between the same points, being the points of departure and arrival by the through route;

Prescribed period—what.

9. The prescribed period mentioned in this section shall be ten days, or such longer period as the Commissioners may from time to time by general order prescribe;

If railway company is to maintain or work steam vessels.

10. Where a railway company is to maintain or work or is party to an arrangement for using, maintaining or working steam vessels for the purpose of carrying on a communication between any places or ports, the provisions of this section shall extend to such steam vessels and to the traffic carried thereon.

Rates fixed may be less than maximum. Imperial Act, s. 12.

33 Subject to the provisions of the last preceding section, the Commissioners shall have full power to decide that any proposed through rate is due and reasonable, notwithstanding that a less amount may be allotted to any forwarding company out of such through rate than the maximum rates such company is entitled to charge and to allow and apportion such through rates accordingly.

Complaints of contravention of s. 42 of Railway Act. Imperial Act, s. 13.

34. A complaint of a contravention of the sixtieth section of the Railway Act, as amended by this Act, may be made to the Commissioners, by a municipal, or other public corporation, without proof that the complainants are aggrieved by this contravention.

Railway companies to keep certain books, and what they shall show. Imperial Act, s. 14.

35, Every railway company shall keep, at each of their stations, a book, or books, showing every rate for the time being, charged for the carriage by traffic—other than passengers and their baggage—from that station to any place to which they book—including any rates charged under any special contract, and stating the distance from that station of every station, siding, or place to which such rate is charged;

To be open to inspection.

every such book shall during all reasonable hours be opened to the inspection of any person without the payment of any fee;

Commissioners may require certain particulars to be entered.

the Commissioners may from time to time, on the application of any person interested, make orders with respect to any particular description of traffic, requiring a railway company

to distinguish in such book, how much of *each* rate is for the conveyance of the traffic on the railway, including therein tolls for the use of the railway, for the use of carriages, or for locomotive power, and how much is for other expenses, specifying the nature and detail of such other expenses; any company failing to comply with the provisions of this section, shall for each offence, and in the case of continuing offence for every day during which the offence continues, be liable to a penalty not exceeding *twenty dollars*, and such penalty shall be recovered in the manner provided by the Railway Act, section *ninety-four*.

Penalty for non-compliance

Commissioners may determine disputes as to terminal charges. Imperial Act, s. 15.

36. The Commissioners shall have power to hear and determine any question or dispute which may arise with respect to the terminal charges of any railway company, and to decide what is a reasonable sum to be paid to any company, for loading and unloading, covering, collection, delivery, and other services of a like nature; any decision of the Commissioners under this section shall be binding on all courts, and in all legal proceedings whatsoever.

PART III.

Recital of doubts, as to disputes between Provincial and Dominion railway companies.

37. And whereas doubts have arisen as to the authority of the Parliament of Canada respecting Provincial railways; and whereas disputes frequently arise between Provincial Railway Companies and Dominion Railway Companies; and whereas without impairing the authority of the Court established by this Act, it is desirable that provision should be made for the unequivocal determination of such disputes:

Provisions for decision of disputes consequent on such doubts.

Therefore it is enacted that it shall be lawful for such two of the Commissioners appointed under this Act, as may be named by the Governor in Council to sit with any one Commissioner appointed under any Act that may be passed by the Legislature of any Province of Canada, and the decisions, orders and directions of a Board so constituted shall, with respect to all such disputes and so far as Provincial Railway Companies within such Province are concerned, have the same force and effect as are hereby declared and intended to be given to the decisions, orders and directions of the Commissioners appointed under this Act.

Exception as to railways, under authority of Parliament.

38. Nothing herein contained shall be construed to exempt Provincial Railway Companies from the operation of the first and second divisions of this Act in all cases to which the authority of the Parliament of Canada extends.

When Part III shall come into force.

39. The Governor in Council may, by proclamation, declare the day on from and after which the third part of this Act shall come into force, and the same shall come into force on and not until the day so named.

No. 20.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act for constituting a Court of Railway Commissioners for Canada, and to amend the Consolidated Railway Act, 1879.

Received and read, first time, Monday, 23rd February, 1880.

Second reading, Tuesday, 24th February, 1880.

Mr. McCarthy.

OTTAWA:

Printed by MacLean, Roger & Co.

1880.

No. 21.] **BILL.** [1880.

An Act to empower the Stadacona Fire and Life Insurance Company to relinquish their Charter, and to provide for the winding up of their affairs.

Preamble.

WHEREAS the Stadacona Fire and Life Insurance Company (hereinafter called the Company), have by their petition represented that at a general meeting of the shareholders of the Company, held at Quebec on the fourth, fifth and sixth days of February, 1879, specially called for the purpose, it was resolved by a majority of the said shareholders to close the business of the Company and to wind up their affairs: and whereas statutory provision is necessary for that purpose, and the Company has prayed for the passing of an Act to empower them so to do, and to prescribe the manner in which the same shall be done, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Company may wind up their affairs.

1. Notwithstanding anything contained in the Act incorporating the Company passed in the thirty-seventh year of Her Majesty's reign, and chaptered ninety-four, the Company may and are hereby empowered to close their business and wind up their affairs and to relinquish their Act of incorporation in accordance with the resolution of a majority of the shareholders to that effect in the preamble to this Act mentioned.

Present liability not affected.

2. Nothing in this Act contained shall affect the liability of the Company or of the shareholders thereof, in respect of third parties or of the creditors of the Company, at the time of the passing of this Act and until the final winding up of the affairs of the Company.

Election of liquidators.

3. At a special general meeting called for the purpose, in the manner provided by the said Act incorporating the Company and by the by-laws of the Company, the shareholders present in person or represented by proxy, being duly qualified to vote under the said Act and by-laws, shall elect from among their number, by a majority of the votes cast, one or three liquidators, who shall be substituted for the Directors and officers of the Company in the performance of their duties, and shall be charged with the winding up of the affairs of the Company in their corporate name; and any Director at the time in office may be elected a liquidator.

Directors eligible.

Chairman and casting vote.

4. The liquidators, if three are elected, shall appoint one of their number to be chairman, who, upon a division, shall have a casting vote.

Powers and duties of the liquidators.

5. The liquidator or liquidators shall have all the powers conferred, and shall be subject, as respects shareholders, to all the obligations imposed on the Directors by law and by the by-laws of the Company ; but they shall only have power to do such things as are necessary to the winding up of the affairs ; they shall proceed with diligence to the recovery of the quarterly instalments already called for, and to the realization of the assets of the Company without undue sacrifice ; but they may compromise and agree with the debtors and creditors of the Company, and take such steps as they may consider most advisable and equitable to effect the most speedy and advantageous winding up of the affairs of the Company ; and they may dispose of the property, either real or personal of the Company, including debts owing and accruing to the Company, by public or private sale.

Distribution of surplus assets.

6. After payment of the debts of the Company, the liquidator or liquidators shall from time to time distribute as dividends, the amounts which they shall realize from the assets ; such distribution shall be made in proportion to the shares paid up ; but no shareholder in arrear for any calls shall participate in such distribution, until the other shareholders shall have been re-imbursed the full amount of the like calls, which such shareholder has so neglected to pay.

Remuneration and responsibility of liquidators.

7. The liquidator or liquidators shall give such security and shall receive such remuneration as shall be fixed at the general meeting at which they are appointed by the shareholders then assembled ; they shall be subject to the directions of the shareholders, in so far as the same are consonant to law and to the by-laws of the Company ; they shall be subject to removal and replacement by any general meeting of the shareholders specially called for the purpose, which special general meeting may be called by any shareholder or shareholders holding not less than one-tenth of the capital stock of the Company, in accordance with the by-laws of the Company ; and in the event of a vacancy by death, removal, inability or refusal to act, or otherwise, such vacancy shall be filled by the shareholders, at a general meeting specially called for the purpose, in manner aforesaid, the like mode of election being followed as is hereinbefore specified.

Vacancies.

Final general meeting and proceedings thereat.

8. When the affairs of the Company are finally wound up, the liquidator or liquidators shall make a report to a general and final meeting of the shareholders by him specially called for the purpose, and such report shall be submitted for their approval ; and at such final meeting the shareholders may give such orders as to the disposal and custody of the books, documents, and records of the Company as they shall think fit ; and the said meeting shall have power to declare the Act of incorporation to be relinquished, and the Company to be finally dissolved under the authority of this Act : Provided always, that if there remain any debts payable to creditors who are unknown, or to whom payment cannot be made, the liquidator or liquidators shall deposit the amount thereof with the Treasurer of the Province of Quebec, in

Proviso : as to debts which cannot be paid.

accordance with and under the provisions of the Act of the Legislature of the Province of Quebec, passed in the thirty-fifth year of Her Majesty's reign, and intituled "*An Act respecting judicial and other deposits*," and the amendments thereof; and the Act of incorporation shall not be held to be relinquished and extinguished, so far as respects such creditors until such deposit has been made.

Addresses of shareholders.

9. Every shareholder shall, within three months after the passing of this Act, be bound to leave at the office of the Company his address in writing, and every special notice required to be sent to such shareholder shall be transmitted to such address; and if any shareholder shall neglect to comply with the foregoing provision, such notice shall be addressed to his last known residence, and if there be no such known residence, then to the place in which the head office of the Company is situate.

Transfer and recovery of claims.

10. Every assignee and purchaser of the claims of the Company shall be seized of such claims, and may proceed to the recovery of the same by suit without any further notification than the entry of such assignment in the books and registers of the Company, in his own name, under the certificate of the Secretary of the Company, or that of the liquidator or liquidators, according as the one or the other or others may respectively be in office.

Custody of books and documents.

11. The books, registers, and documents of the Company shall be delivered to the liquidator or liquidators immediately upon their appointment, and shall remain in their possession so long as they continue in office; and so soon as their duties are completed they shall deliver them into the custody of such person as shall be indicated by the shareholders at the final general meeting hereinbefore mentioned.

No. 21.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to empower the Stadacona Fire and Life Insurance Company to relinquish their charter and to provide for the winding up of their affairs.

Received and read, first time, Tuesday, 24th February, 1880.

Second reading, Wednesday, 25th February, 1880.

(PRIVATE BILL.)

MR. CASGRAIN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1880.

No. 22.] **BILL.** [1880.

An Act further to amend the Act therein cited, incorporating the Canada Guarantee Company.

Preamble. 14, 15 Vic. (Can.), c. 36.

WHEREAS the Canada Guarantee Company have by their petition prayed for an Act to amend, as hereinafter set forth, certain sections of the Act incorporating the said Company—to wit, the Act of the late Province of Canada, passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, and chaptered thirty-six, and it is expedient to grant the prayer of the said petition:—Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 28 amended.

1. Section twenty-eight of the said Act is hereby amended by inserting the words "or in their absence by one or more of the Directors of the Company, as may be by by-law of the Company provided," immediately after the words "Vice-President" in the second line of the said section.

Section 29 repealed; Proviso: as to subscription of new shares.

2. Section twenty-nine of the said Act is hereby repealed: Provided always, that such repeal shall not take effect until new shares equivalent in amount to those already existing shall have been subscribed and entered on the books of the Company; and the Directors of the Company are hereby authorized to issue such new shares of the denomination of fifty dollars each, to be offered in the first instance to the existing shareholders in rateable proportion to the shares held by them in the original capital stock of the Company; and in the event of the shareholders failing to accept such new shares within such delay as may be determined by the Directors of the Company, the same or any of them may be sold for the benefit of the Company, or otherwise disposed of in such manner and on such terms and conditions as the Directors in the interest of the Company think proper; and it is hereby further enacted that the shareholders of the said Company shall not be liable for or charged with the payment of any debt or demand by the Company, beyond the amount remaining unpaid upon the shares subscribed for or held by them respectively in the capital stock of the Company.

Liability of shareholders limited.

No. 22.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act further to amend the Act therein cited, incorporating the Canada Guarantee Company.

Received and read, first time, Tuesday, 24th February, 1880.

Second reading, Wednesday, 25th February, 1880.

(PRIVATE BILL.)

Mr. GIROUARD
(Jacques Cartier).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

Reprinted

No. 23.] **BILL.** [1880.

An Act to incorporate the French Atlantic Cable Company.

Preamble.

WHEREAS the *Compagnie Française du Télégraphe de Paris à New York*, and the shareholders thereof, have by their petition represented that the said Company has been duly incorporated, in accordance with the provisions of the laws of France, for the construction of telegraph lines between France and America, and between England and America, and the establishing and maintenance of submarine cables to unite the two continents, and of such other land or submarine telegraph lines as may be requisite to complete, prolong or make the necessary connections for or with the principal lines; and that they have already laid cables, and established telegraphic communication thereby, between France and the Dominion of Canada, and purpose also to connect by means of telegraph cables, England with Canada, and that they desire to be incorporated within the Dominion of Canada, to submit to its laws, and to be authorized to carry on their said business within the Dominion of Canada, and it is expedient that the prayer of the said petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The *Compagnie Française du Télégraphe de Paris à New York*, and the present shareholders thereof, their successors and assigns, shall be and are hereby constituted a body politic and corporate in law and in fact by the name, style and title of the "French Atlantic Cable Company," with all the powers, privileges and rights hereinafter mentioned, and shall and may have perpetual succession, and be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity, in their corporate name aforesaid, and they and their successors shall and may have a common seal, and may change the same at their will and pleasure.

Corporate name and powers.

Business and powers of the company.

2. The said Company is hereby authorized and empowered to construct, establish, lay, maintain, repair, renew and work submarine cables and land telegraphs between France and America, and between England and America, and to unite the two continents, and such other land or submarine telegraph lines as may be requisite to complete, prolong or make the necessary connections for or with the principal lines, to acquire or take on lease, maintain, renew, repair and work any cables or lines of marine telegraph whatsoever, and to construct, acquire or lease any line connecting any

such cable or marine telegraph with the telegraphic system in any part of Canada, and generally to carry on the business of a Marine Telegraph Company; to acquire, use and dispose of such lands, rights, concessions, privileges, licenses and letters patent, and any shares or interest in the same respectively, as may be useful or desirable for the purposes aforesaid, or any of them; to acquire, hire and work any vessels in connection with or useful for the purposes aforesaid; to do all or any of the matters or things aforesaid, in conjunction with any other company, or person or persons, to make and carry into effect, working, traffic and other agreements with Governments, Government departments, railway, postal, steamboat, telegraph and other companies and authorities, or any other such company or person or persons as aforesaid, and generally to do all such acts and things as are or shall be necessary for or incidental or conducive to the attainment of the foregoing objects, or any or either of them.

38 V., c. 26 to apply.

3. The provisions of the Act passed in the thirty-eighth year of the reign of Her Majesty, and chaptered twenty-six, shall apply to the Company hereby incorporated, so long as the same remain in force.

No. 23.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate The French Atlantic Cable Company.

Received and read, first time, Tuesday, 24th February, 1880.

Second reading, Wednesday, 25th February, 1880.

(PRIVATE BILL.)

Mr Cameron, (N. Victoria.)

OTTAWA:
Printed by MacLean, Roger & Co.
1880.

No. 23.] **BILL.** [1880

An Act to give certain powers to the Compagnie Française du Télégraphe de Paris à New York.

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

Preamble.

WHEREAS the *Compagnie Française du Télégraphe de Paris à New York*, and the shareholders thereof, have by their petition represented that the said Company has been duly incorporated, in accordance with the provisions of the laws of France, for the construction of telegraph lines between France and America, and between England and America, and the establishing and maintenance of submarine cables to unite the two continents, and of such other land or submarine telegraph lines as may be requisite to complete, prolong or make the necessary connections for or with the principal lines; and that they have already laid cables, and established telegraphic communication thereby, between France and the Dominion of Canada, and purpose also to connect by means of telegraph cables, England with Canada, and that they desire to submit to the laws of Canada, and to be authorized to carry on their said business within the Dominion of Canada, with the rights and powers hereinafter conferred, and it is expedient that the prayer of the said petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name and powers.

1. The *Compagnie Française du Télégraphe de Paris à New York* is hereby invested with and shall be entitled to have, hold and exercise within Canada all the powers, privileges and rights hereinafter mentioned, and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity, in their corporate name aforesaid, and they and their successors shall and may have a common seal, and may change the same at their will and pleasure.

Business and powers of the company

2. The said Company is hereby authorized and empowered to construct, establish, lay, maintain, repair, renew and work submarine cables and land telegraphs between France and America, and between England and America, and to unite the two continents, and such other land or submarine telegraph lines as may be requisite to complete, prolong or make the necessary connections for or with the principal lines, to acquire or take on lease, maintain, renew, repair and work any cables or lines of marine telegraph whatsoever,

and to construct, acquire or lease any line connecting any such cable or marine telegraph with the telegraphic system in any part of Canada, and generally to carry on the business of a Marine Telegraph Company; to acquire and use such lands, personal property, rights, concessions, privileges, licenses and letters patent, and any shares or interest in the same respectively, as may be useful or desirable for the purposes aforesaid, or any of them; and to dispose of any such lands or personal property when no longer required for its use; to acquire, own, hire and work any vessels in connection with or useful for the purposes aforesaid; to do all or any of the matters or things aforesaid, in conjunction with any other company, or person or persons, to make and carry into effect, working, traffic and other agreements with Governments, Government departments, railway, postal, steamboat, telegraph and other companies and authorities, or any other such company or person or persons as aforesaid, and generally to do all such acts and things as are or shall be necessary for or incidental or conducive to the attainment of the foregoing objects, or any or either of them.

38 V., c. 26 to apply.

3. The provisions of the Act passed in the thirty-eighth year of the reign of Her Majesty, and chaptered twenty-six, shall apply to the said Company, so long as the same remain in force.

4. Service of any process or legal document upon the chief officer or manager of the business of the said Company at any office where it may carry on business within Canada, shall be good and effectual to bind the said Company.

No. 23.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL

An Act to incorporate The French Atlantic Cable Company.

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

(PRIVATE BILL.)

Mr. CAMERON, (N. Victoria.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1880.

No. 24.] **BILL.** [1880.

An Act to incorporate the Dominion Commercial Travellers' Association.

WHEREAS James A. Cantlie, David L. Lockerly, George Forbes, Frederick Massey, Gustave Piché, Ralph B. Hutchison, Charles Hutchison, George Sumner, Alexander Gowdey, John Rogers, James O'Brien, Alexander W. Acheson, and Rollo C. Simpson, have by their petition represented that it would be for the interest of the "Dominion Commercial Travellers' Association," of which they are members, that it should be incorporated, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said James A. Cantlie, David L. Lockerly, George Forbes, Frederick Massey, Gustave Piché, Ralph B. Hutchison, Charles Hutchison, George Sumner, Alexander Gowdey, John Rogers, James O'Brien, Alexander W. Acheson, and Rollo C. Simpson, and such other persons as are now, or shall hereafter become members of the said Association and their successors, shall be and they are hereby constituted a body politic and corporate under the name of the "Dominion Commercial Travellers' Association," having its head office in the City of Montreal, with power to purchase, receive, acquire, hold, and enjoy property both real and personal to and for the use of the said Corporation, and to sell, alienate, exchange, mortgage or lease the same: Provided always, that the said Corporation shall dispose of any real estate by it received except such as may be required for the actual use and occupation of the said Association, within five years from the date of its acquisition. Certain persons incorporated. Corporate name and powers. Proviso: as to sale of real estate.

2. The objects of the said Association are to promote the welfare and interests of its members, by making provision against sickness, misfortune, accident, or death, and relieving the widows, orphan children or representatives of members deceased; by obtaining for its members, concessions, privileges or reduced rates from railway, navigation, telegraph, insurance, and other companies and persons, and by devoting the funds of the said Association to such other lawful objects for promoting the intellectual, moral and material welfare of its members as may from time to time be determined, in accordance with the rules, regulations and by-laws of the said Corporation. Objects of the corporation

By-laws and officers continued.

3. The present constitution and by-laws of the said Association shall be, until amended as thereby or herein provided, the rules, by laws and regulations of the said Corporation, and the present officers and directors shall hold office until their successors are appointed in accordance therewith; and the said Corporation is hereby vested with all the assets and rights and made responsible for all the obligations and liabilities of the said Association.

Property transferred.

Amendment of by-laws.

4. The said Corporation may from time to time change, amend, add to, or repeal any of its rules, regulations and by-laws, observing always however such formalities as are and may be lawfully prescribed to that end, provided that no rule, regulation or by-law shall be contrary to law or to this Act.

Recovery of sums due.

5. All subscriptions or other sums due or to become due to the Corporation may be recovered in any Court of competent jurisdiction, but any member may withdraw at any time on payment of all sums due by him, including his subscription for the then current year, after which he shall have no claim or demand of any kind against the Corporation.

Branches.

6. The said Corporation may from time to time establish and maintain branch associations in different parts of the Dominion of Canada, to promote the objects herein set forth.

No. 24.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate the Dominion Commercial Travellers' Association.

Received and read, first time, Tuesday, 24th February, 1880.

Second reading, Wednesday, 25th February, 1880.

Mr. Gault.

OTTAWA:

Printed by MacLean, Roger & Co.

1880.

No. 25.] **BILL.** [1880.

An Act to authorize the establishment of Superannuation, Provident and Insurance Funds by the Great Western Railway Company.

Preamble.

WHEREAS the Great Western Railway Company has by its petition prayed that it may be authorized to establish superannuation, provident and insurance funds, or one or more of such funds, for its officers and servants, and that it shall be empowered to assist and encourage such fund or funds by contributing thereto, and that the said fund or funds shall be managed and admission thereto regulated according to the rules and regulations to be prepared by the Company, subject to amendment by it from time to time, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may for all purposes be cited as "*The Great Western Superannuation and Provident Fund Act*, 1880."

Interpretation.

2. In this Act the words "the Company" mean "The Great Western Railway Company."

Superannuation fund may be established.

3. It shall be lawful for the Company to establish a fund to be called "The Great Western Railway Superannuation and Provident Fund," for the payment of superannuation allowances to the officers and servants of the Company, or such of them as shall become and continue contributing members of the fund, or for the payment of allowances to such officers and servants in case of sickness or injury, or to their widows or children or other representatives in case of their death, or for the providing of suitable medical or surgical attendance, or for all or any of such purposes.

Accident and life insurance.

4. It shall also be lawful for the Company to make either separately or in connection with the aforesaid superannuation and provident fund, provision for insurance against accident to its officers and servants, or such of them as may become and continue contributors to such insurance, which may include insurance against death, the payment of allowances during any period when they may be unable from accident or sickness to follow their ordinary calling, and the providing of suitable medical and surgical attendance.

Management of funds.

5. The fund or funds aforesaid shall be formed, invested, managed and distributed in accordance with the rules and regulations contained in a scheme or schemes to be prepared by the Company, and sealed with their common seal, within twelve months after the passing of this Act, until altered from time to time in accordance with the powers which for that purpose may be inserted in and contained in such rules and regulations, and afterwards in accordance with the rules and regulations that shall be for the time being in force under the provisions of the said scheme or schemes.

Contribution by the Company.

6. The Company shall contribute semi-annually to the said fund or funds such sum or sums as shall be provided by the said rules and regulations for the time being in force, being not less than fifty per cent., nor more than one hundred and fifty per cent. of the amount contributed during the half year by the officers and servants of the Company, in accordance with such rules and regulations; and all sums so contributed by the Company, shall be considered as part of the working expenses of the Company.

In whom funds shall be vested.

7. The said fund or funds shall be vested in and belong to the committee or committees, or societies, for the time being, having the management of the same under the provisions of this Act, and of the said rules and regulations for the time being in force as aforesaid; and such committee or respective committees, or societies, shall invest, manage and distribute the same in accordance with the provisions of this Act and the said rules and regulations, and may sue and be sued in the name of their secretary or otherwise, as by the said rules and regulations may be provided.

Consent of Company to be obtained.

8. The powers by this Act conferred upon the Company shall not be exercised unless consent shall be given thereto by the vote of two-thirds of the shareholders, in terms of the sixth section of "*The Great Western Railway Act*, 1875," at any ordinary or special general meeting of the Company.

No 25.

2nd Session, 4th Parliament, 43 Vi

BILL.

An Act to authorzie the esta
of Superannuation, Provi
Insurance Funds by t
Western Railway Company

Received and read, first time, Tu
February, 1880.

Second reading, Wednesday, 25t
1880.

(PRIVATE BILL.)

Mr. ROBE
(Hi

OTTAWA:

PRINTED BY MACLEAN, ROGI
1880.

No. 26.] **BILL.** [1880.

An Act to incorporate the Emerson and Turtle Mountain Railway Company.

WHEREAS the construction of a railway from a point in the Town of Emerson, in the County of Provencher, and Province of Manitoba, to a point on the Souris River, in the North-West Territory of Canada, within twenty miles north of the International Boundary Line, in order to reach the coal beds, would be of general advantage to the Dominion, and whereas a petition has been presented praying for the incorporation of a company for that purpose, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. R. S. Chalmers, merchant; F. T. Bradley, customs officer; W. McKechnie, Enoch Winkler, lumber merchants; C. S. Douglass, editor; Freeman Lane, clerk; George Newcomb, Dominion land agent; William H. Nash, Frederick E. Burnham, barristers; A. Rinskopf, Thomas Carney, merchants; W. N. Fairbanks, gentleman; Jerry Robinson, A. Coblentz, merchants; W. J. Suffel, merchant; Abram R. Stauffer, miller; R. Terrot, livery keeper; the Reverend L. O. Armstrong, minister, and Caspar Killer, merchant, of Emerson; Isaac Miller, farmer; Thomas Greenway, gentleman; Robert Reesor, W. Butcher, W. Winram, farmers; Henry Landerkin, Dominion lands agent; Hon. Fred Aylmer, Martin McDonald, of Pembina Mountains, farmers. W. J. S. Traill, M. Thompson, D. Matheson, merchants, of West Lynne, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Emerson and Turtle Mountain Railway Company." Certain persons incorporated. Corporate name.

2. The said Company shall have full power and authority to lay out, construct, complete and operate an iron or steel railway from a point in the Town of Emerson, in the Province of Manitoba, to a point on the Souris River, in the North-West Territory, within twenty miles north of the International Boundary Line. Line of railway may be built.

3. Notwithstanding anything contained in section nine of "*The Consolidated Railway Act*, 1879," the said Company may acquire land and water lot property for the purposes of their undertaking, and may acquire under the provisions in that behalf of the said Railway Act, and hold such width of land on the sides of the railway and its branches at any Powers as to real estate.

point as may be needed for the erection of snow-drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners of such lands and water lots, as also the power of the said Company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the section of the said Railway Act respecting lands and their valuation.

Railway bridge may be built.

4. The said Company shall have full power under this Act to construct, maintain, work and manage a railway and traffic bridge across the Red River for railway and ordinary traffic purposes at such point as the said railway may cross the said river, but the said Company shall not commence the said bridge or any work thereunto appertaining until the Company shall have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until such plans shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said bridge and works shall have been complied with: Provided always, that the said bridge shall be constructed so as not materially to obstruct the navigation of the Red River, and the said bridge shall have a draw or swing in the main channel of the river, which said draw or swing shall be of the width of forty feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said River at all times during the season of navigation thereon; and the use of the said bridge shall be subject to such regulations as shall be from time to time approved of by the Governor in Council; and the said Company shall, during the building of the said bridge, take all necessary precautions against interference with the navigation of the said river during the season of navigation.

Proviso: navigation not to be impeded.

Provisional directors and their powers.

5. The persons named in the first section of this Act, with power to add to their numbers, shall be and are hereby constituted Provisional Directors of the said Company, of whom five shall be a quorum, and shall hold office until the first election of Directors under this Act, and shall have full power forthwith to open stock books and procure subscriptions of stock for the undertaking; and upon a sufficient subscription of stock being obtained, as hereinafter provided, shall call a meeting of the shareholders of the Company for the election of Directors.

Capital stock and shares.

6. The capital stock of the said Company shall be one hundred thousand dollars, with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879," to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the plans, surveys and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipping, completing and maintain-

ing of the said railway and works and other purposes of this Act.

Ten per cent. to be paid on subscription.

7. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Company may receive aid.

8. The said Company may receive, either from any Government or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same in aid of the construction, equipment and maintenance of the said railway, bonuses, loans or gifts of money or securities for money.

First meeting of shareholders.

9. When and so soon as shares to the amount of fifty thousand dollars in the capital stock of the Company have been subscribed, and ten per centum thereon has been paid, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock, at the Town of Emerson, for the purpose of electing Directors of the said Company, giving at least four weeks' notice thereof, by public advertisement in the *Canada Gazette*, and once a week during the four weeks next preceding such meeting, in a newspaper published at Emerson aforesaid, and in another published in the City of Toronto, of the time, place and purpose of such meeting.

Notice.

Proceedings at such meeting.

10. At such general meeting, the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company, of whom five shall be a quorum, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and "*The Consolidated Railway Act*, 1879."

Qualification of director.

11. No person shall be qualified to be elected as such Director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said Company, and unless he has paid up all calls thereon made.

Annual general meeting.

12. Thereafter the annual general meeting of the shareholders of the said Company shall be held at such place in the Town of Emerson, and on such days and at such hours, as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and once a week in one newspaper published in Emerson, and in another published in Toronto.

Special general meetings.

13. Special general meetings of the shareholders of the said Company may be held at such place in the Town of Emerson, and at such time and in such manner, and for such purposes, as may be provided by the by-laws of the Company.

Company may issue bonds.

14. The Directors of the said Company are hereby authorized to issue bonds under the seal of the said Company, signed by its President or other presiding officer, and countersigned by its Secretary, and such bonds may be made payable in such manner, and at such place or places in Canada, or elsewhere, and bearing such rate of interest as the Directors shall think proper, and the Directors shall have power to issue and sell or pledge all or any of the said bonds, at such prices and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the undertaking; Provided that the amount of such bonds shall not exceed eight thousand dollars per mile, to be issued in proportion to the length of railway constructed or under contract to be constructed; provided also, that no such bonds shall be issued until at least fifty thousand dollars shall have been subscribed to the capital stock and ten per centum paid thereon.

Proviso: amount limited.

To be a first charge on the undertaking.

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

Bonds may be made payable to bearer.

16. All the bonds, debentures, mortgages and other securities hereby authorized and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery, and may be sued upon by any holder in his own name until registered, and while so registered may be transferred by written transfer in the same manner as in the case of shares; but they shall again become transferable by delivery upon registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Equal rights of shareholders.

17. All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company and to vote on the same. The President and Vice-President and the majority of the Directors shall be British subjects.

Company may become parties to promissory notes, &c.

18. The said Company shall have power and authority to become parties to promissory notes and bills of exchange, and any note or bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors, shall be binding on the said Company; and any such note or bill so made shall be presumed to have been made with proper authority until the contrary is shewn, and in no case shall it be necessary to have the seal of the Company affixed to such note or bill, nor shall the President, Vice-President, or Secretary, be individually responsible for the same unless the said notes or bills have been issued

without the authority of the Board of Directors as herein enacted: Provided, however, that nothing herein contained shall be construed to authorize the said Company to issue any note or bill payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Proviso: as to bank notes.

19. The Directors may at any time call upon the shareholders for such instalments upon each share which they, or any of them, may hold in the capital stock of the Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital and that thirty days' notice of each call shall be given by notice duly mailed to such shareholders.

Calls on stock.

20. The said railway shall have power to make running arrangements with any railway lines in the Dominion of Canada situate on the line hereby authorized to be constructed, or crossing or connected with the same, upon terms to be approved by two-thirds in amount of the shareholders, at a special general meeting to be held for that purpose in accordance with this Act.

Running arrangements with other railways.

21. It shall be lawful for the said Company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith, for leasing the said Emerson and Turtle Mountain Railway, or any part thereof, or for the leasing or hiring of any locomotives, tenders, plant, rolling stock, or other property of either or both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor if the arrangements and agreements shall be approved by two-thirds of the shareholders voting in person or by proxy at a special general meeting, to be called in accordance with this Act for that purpose: and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof, and any individual or company accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred.

Arrangements with other companies.

22. Conveyances of land to the said Company, for the purposes of this Act, may be made in the form set out in the schedule hereunto annexed, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof as is required under the registry laws of the Province or Territory in which the lands may be situate.

Form of conveyance of land.

23. The Company may also make use, for the purpose of the said railway, of the water of any stream or water-course over or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such streams or water-courses, and the compensation to be paid to the owners for the use of such water, as also the powers of the said company to take possession thereof, shall, in case of difference, be ascertained and exercised in

Water-courses may be utilised.

the manner provided by the section of "*The Consolidated Railway Act*, 1879," respecting lands and their valuation

Telegraph lines and bridges may be constructed.

24. The Company may also construct an electric telegraph line in connection with the railway, and may also erect and construct across any rivers, streams, or water-courses, which may be in or near the water of the railway, a bridge or bridges, when the same shall be necessary for the purposes of the railway, but this provision shall not apply to navigable portions of any of the said aforesaid waters without the assent of the Governor in Council first obtained.

Time for commencement and completion of works limited.

25. The first section of fifty miles of the said railway from the Town of Emerson, or from a point on the opposite side of the Red River, westward, shall be completed within three years after the passing of this Act, and the remaining portion thereof within five years thereafter, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Act to be put in force by Governor in Council.

26. This Act shall only have force and effect from and after the day which may be appointed for that purpose by proclamation issued under an order of the Governor in Council and not before.

SCHEDULE.

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

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

Signed, sealed, and delivered in presence of } A. B.

(L. S.)

No. 26.

2nd Session, 4th Parliament, 43 V

BILL.

An Act to incorporate the E
Turtle Mountain Railway (

Received and read, first time, T
February, 1880.

Second reading, Wednesday, 25
1880.

(PRIVATE BILL.

Mr

OTTAWA:

PRINTED BY MACLEAN, ROG
1880.

No. 27.] **BILL.** [1880.

An Act to incorporate "The Baptist Union of Canada."

Preamble.

WHEREAS the persons hereinafter named, with others now constituting The Baptist Union of Canada, have for many years been associated together under the name of "The Regular Baptist Missionary Convention of Ontario" and "The Canada Baptist Missionary Convention, East," with the design of furthering the objects hereinafter set forth; and whereas the said parties find great inconvenience arising from the want of corporate powers; and whereas the said The Regular Baptist Missionary Convention of Ontario and the said The Canada Baptist Misssonary Convention East, and the persons hereinafter named who were the officers of the said conventions elected at their last annual meetings, have petitioned for an Act of incorporation for the said Union, under the name and style of "The Baptist Union of 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:----

Certain persons incorporated.

1. George Foster, A. A. Ayer, William Craig, Adam Purves, H. E. Buchan, Charles Raymond, J. J. Wellsteed, Thomas Lailey, W. J. Copp, L. G. Carter, William Moyle, John Harris, John Stark, D. Bentley, L. H. Packard, James Smart, John A. Cameron, C. J. J. Phillips, with the Reverends J. Denovan, A. H. Munro, and S. A. Dyke and such other persons as are now or hereafter may become associated with them in the futherance of the said objects as members of the said Union, are hereby constituted and declared to be a body corporate and politic under the name of "The Baptist Union of Canada," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

Corporate name.

Objects of the Union.

2. The objects of the said Union are to unite in itself, as far as practicable, the whole Baptist body of Canada in the promotion of missions, education, literature, superannuated ministers' aid and church edifice funds, and other interests and enterprises in connection with the Regular Baptist denomination, as set forth in the constitution next hereinafter referred to.

Constitution and alterations thereof

3. The constitution of the Baptist Union of Canada now existing shall be the constitution of the Union hereby incorporated, and the said corporation shall have power to alter, vary, add to, or repeal the provisions of the said constitution, provided such alterations, variations and additions shall not

be inconsistent with the limitations imposed by this Act and the laws in force in the Dominion of Canada; and proof of such constitution by a certified copy thereof, under the seal of the corporation, and signed by the secretary, shall be received in all courts as *primâ facie* evidence thereof.

Power to receive, hold and invest personal property.

4. The said Union, hereby incorporated, may, by the name of the Baptist Union of Canada, receive, acquire and hold moneys, promissory notes, bank notes, bank stocks and public securities, and invest moneys now held by the Union, or which may hereafter be acquired, in bank stocks and public securities, and dispose of the same for the purpose of furthering the objects of the said Union, as and when it may seem expedient so to do.

Other powers of the Union.

5. The said Union, hereby incorporated, shall have power to pass by-laws to regulate the transaction of business, and to provide for such other matters as may be necessary or expedient in the interests of the said society, subject to the aforesaid limitations.

First annual meeting.

6. The first annual meeting of the said Union, hereby incorporated, shall be held at the City of Toronto, in the Jarvis Street Baptist Church, at eleven o'clock, on Wednesday, the twentieth day of October, one thousand eight hundred and eighty, for the election of officers and the transaction of business.

No. 27.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate "The Baptist Union of Canada."

Received and read, first time, Tuesday, 24th February, 1880.

Second reading, Wednesday, 25th February, 1880.

(PRIVATE BILL.)

Mr. MACKENZIE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1880.

No. 28.] **BILL.** [1880.

An Act to further amend "An Act respecting the security to be given by Officers of Canada."

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

1. The first part of the third section of the Act made and passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, chaptered thirty-seven, and intituled "*An Act respecting the security to be given by Officers of Canada,*" as amended by an Act passed in the thirty-third year of Her Majesty's reign, chaptered five, and intituled "*An Act to amend an Act respecting the security to be given by Officers of Canada,*" is hereby repealed, and the following enacted in lieu thereof, and shall be taken and read as the first part of the third section of the first above mentioned Act: Sect. 3 of 31 V. c. 37, amended by 33 V. c 5, s. 1. Repealed and new provision made.

"3. Every surety in any such bond shall make the affidavit in the form A, hereunto annexed, or to the effect thereof, before a Justice of the Peace, and every such bond or security shall be proved as to the due execution and delivery of the same, by an affidavit of the attesting witness made before a Justice of the Peace; and every such bond or security, with the several affidavits thereunto annexed, shall be recorded at full length in the Department of the Secretary of State of Canada, in the manner hereinafter mentioned; and the original bond or security and the affidavits thereunto annexed shall, after such registration, be deposited in the said Department of the Secretary of State of Canada." Attestation and record of bonds.

No. 28.

2nd Session, 4th Parliament, 43 Victoria, 1880

BILL.

An Act further to amend "An Act respecting the security to be given by Officers of Canada."

Received and read, first time, Tuesday, 24th February, 1880.

Second reading, Friday, 27th February, 1880.

Hon. Sir L. TILLEY.

OTTAWA:
Printed by McLeaan, Roger & Co., Wellington Street.

1878.

No. 29.] **BILL.** [1880.

An Act to amend the Act intituled "An Act to incorporate the Anchor Marine Insurance Company."

Preamble.

WHEREAS the Anchor Marine Insurance Company have by petition prayed for certain amendments to their Act of incorporation, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Company may transact fire insurance business.

1. In addition to the powers by the said Act conferred upon the said Company, they are hereby authorized and empowered to carry on and transact the business of fire insurance, including re-insurance, and to make, execute and do all such policies, contracts, agreements, instruments, matters and things as are usual or necessary in carrying on such business.

Name changed.

2. The name of the said Company is hereby changed to the "Anchor Insurance Company," by which name it shall hereafter be called, known and distinguished, and under which it shall possess, exercise and enjoy all its property, corporate and other rights, powers and privileges, and shall be subject to all existing obligations of every nature and kind whatsoever.

No. 29.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Act intituled "An Act to incorporate the Anchor Marine Insurance Company."

Received and read, first time, Wednesday, 25th February, 1880.

Second reading, Thursday, 26th February, 1880.

(PRIVATE BILL.)

Mr. CAMERON
(Huron).

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 30.] **BILL.** [1880.

An Act to legalize Marriage with the Sister of a Deceased Wife.

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

1. Marriage between a man and the sister of his deceased wife, or the widow of his deceased brother, shall be legal and valid; Provided always, that if in any church or religious body whose ministers are authorized to celebrate marriages any previous dispensation, by reason of such affinity between the parties, be required to give validity to such marriage, the said dispensation shall be first obtained according to the rules and customs of the said church or religious body; Provided also, that it shall not be compulsory for any officiating minister to celebrate such marriage. Such marriage, or with widow of deceased brother, lawful. Proviso. Proviso.

2. All such marriages heretofore contracted as aforesaid are hereby declared valid, cases (if any) pending in courts of justice alone excepted. Past marriages confirmed. Exception.

No. 30.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to legalize Marriage with the Sister of a Deceased Wife.

Received and read, first time, Wednesday, 25th February, 1880.

Second reading, Thursday, 26th February, 1880.

Mr. GIROUARD,
(Jacques Cartier.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.

1880.

Reprinted

No. 31.] **BILL.** [1880.

An Act to incorporate the St. Clair and Lake Erie Navigation Company.

WHEREAS Edward Robinson, Peter D. McKellar, Hermann J. Eberts, and others have petitioned to be incorporated for the purposes hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Edward Robinson, Peter D. McKellar, Hermann J. Eberts, Rufus Stephenson, Augustin McDonell, John B. Pike, Caleb Wheeler, James W. Henry, T. Wesley Jackson, Francis J. McIntosh, J. C. Patterson and Robert S. Woods, together with all such persons (subjects of Her Majesty or others) as shall become shareholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and by the name of "The St. Clair and Lake Erie Navigation Company," and by that name they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, they and their successors by the same name of "The St. Clair and Lake Erie Navigation Company" shall be in law capable of purchasing and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, selling, conveying or otherwise departing therewith for the benefit and on the account of the said Company, from time to time, as they shall deem expedient or necessary. Certain persons incorporated. Corporate name and powers.

2. The Directors of the said Company shall have full power and authority to survey and explore the country lying between the waters of Lake St. Clair and Lake Erie, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of an intended Canal, to commence at some point on the River Thames or waters of Lake St. Clair and passing southerly to connect the waters of Lake St. Clair with those of Lake Erie, at or near Two Creeks in the Township of Romney, in the County of Kent, and to build and erect the same with the necessary Power to hold lands, &c., and to construct a canal, and at what place.

locks, dams, tow-paths, branches, feeders, basins, and tramways, and also, to select such sites for such warehouses and other erections as may be considered expedient by the said Directors, and to purchase and dispose of the same to and for the use and profit of the said Company; Provided that nothing hereinbefore contained shall be construed to extend to compel the owners of any mill seat which shall be in existence before the construction of the said Canal or any of its branches or feeders, to sell or convey the same to the said Company, unless the same shall be in the line of the said Canal, or that the possession of the same shall be necessary to the construction of the said Canal or any of its branches or feeders; Provided also, that the owner or owners of any mill seat or mill seats, using any additional supply of water brought thereto by the said Canal or its branches or feeders, shall pay a reasonable compensation therefor to the said Company, to be determined as hereinafter provided for, deducting any damage done to property by the said Company.

Proviso: as to mill streams.

Proviso: as to additional water furnished to mills.

3. It shall and may be lawful for the said Company, and they are hereby authorized and empowered, from and after the passing of this Act, to supply the said Canal, whilst making and when made, with water from all such brooks, springs, streams, water-courses, lakes, hollows or repositories of water as shall be found in making the said Canal, or within the distance of two thousand yards of the same or any part thereof, or any reservoir or reservoirs to be made for the supplying of the said Canal with water; and the said Company are hereby authorized and empowered to make all such reservoirs, and such and so many feeders, branches, aqueducts, tunnels and channels in connection with and for the use of the said Canal, as to them shall seem necessary and proper; and for the purposes aforesaid, the said Company, their agents, servants and workmen, are hereby authorized and empowered to enter upon and into the lands or grounds of, or belonging to the Queen's Majesty, Her heirs or successors, or to any other person or persons, bodies corporate or politic (except as hereinbefore mentioned), and to survey and take lands of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of the said Canal and its appurtenances, and for the completion of the said water connection and navigation according to the true intent and meaning of this Act, and all such other matters and conveniences as they shall think proper and necessary for making, preserving, improving, completing and using the said intended navigation, and also to bore, dig, trench, cut, remove, take, carry away, and lay soil, clay, stone, rubbish, trees, roots and stumps of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in the making of the said Canal, or in deepening or improving the navigation of any river or rivers, lake or lakes, in connection with, and forming part of the intended navigation, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said Canal or

Company authorized to take measures to supply canal with water.

To enter upon lands and to perform certain work, &c.

other the said works, or which may hinder or obstruct the making, completing and using the same, and the same to lay in or upon the boundaries of the said Canal or the rivers and lakes forming portions of the said navigation, or in and upon the land of any person or persons adjoining thereto; and also to make, build, erect and set up in and upon the said Canal, and at the points of entrance to the same or any part thereof or of the said intended navigation, or upon the land adjoining or near the same, such and so many wharves, quays, piers, landing-places, bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, bridges and other ways, roads and works as the said Company shall think requisite and convenient for the purposes of the said navigation; and also, from time to time, to alter, enlarge, amend and repair the said works or any of them, for conveying all manner of materials necessary for making, erecting, altering or repairing, widening or enlarging the said works or any parts thereof, and also to place, lay, work and manufacture the said materials, and erect such workshops, forges or other erections as they may deem necessary, upon the lands near the said works; and to make, maintain and alter any places or passages over, under or through the said Canal or any of its branches or connections, or other part of the said intended navigation; and also to make, purchase, set up and appoint such tug or tow-boats, barges, vessels or rafts for the use of the said navigation, as they shall see fit; also to erect and keep in repair any piers, arches or other works in, upon and across any rivers, brooks or lakes, for making, using maintaining and repairing the said Canal, and other the rivers and navigable waters forming part of the said intended navigation, and the towing-paths and other conveniences connected therewith; and also to construct, make and do all of the works, matters and things whatsoever which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Canal and the said intended navigation in pursuance of and within the true meaning of this Act, they, the said Company, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments and tenements; Provided that it shall not be lawful for any other company, corporation or individual to construct or operate a canal for navigation purposes between the waters of Lakes St. Clair and Erie, within six miles of the line of the said Canal hereby authorized during the continuance of this Act.

To erect wharves, &c.

Workshops, &c.

To have tow boats, &c.

Repairs to works.

General power to do all things requisite for the canal and works.

Proviso as to exclusive right.

4 After any land or ground shall be set out and ascertained to be necessary for the purposes of the said navigation or other purposes herein mentioned, it shall be lawful for all owners, whether individuals or bodies corporate or politic, or trustees or lessees, or other party or parties holding any right, title, interest or claim to any of such lands or grounds, to contract for, sell and convey to the said Company, all or any part of such land or ground which shall, from time to time, be set out and ascertained as aforesaid; and all such contracts, agreements, sales and conveyances shall be valid

All owners may convey to company.

and effectual in law, to all intents or purposes, notwithstanding any law, statute or usage to the contrary, and the amount of the purchase moneys to be paid for such lands or grounds respectively, shall be ascertained by arbitration as hereinafter mentioned, unless in such cases as the owner or owners may agree thereupon without the intervention of any third party.

Directors may agree for purchases, or compensation for damages.

5. The Directors of the said Company may contract, compound, compromise, settle and agree with the owners or occupiers respectively of any land through or upon which they may determine to cut and construct the said Canal or other works hereby authorized, either for the purchase of so much of the land as they shall require for the purposes, uses or profit of the Company, or for damages which he, she or they shall or may be entitled to recover from the said Company, in consequence of any of the works hereby authorized being constructed in or upon his or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, the amount of the purchase moneys for the land and tenements purposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

Disputes to be settled by arbitration.

6. In each and every case where any dispute shall arise between the said Directors and any other person or persons whomsoever, touching any purchase, sale or damage, or the money to be paid in respect thereof, and in each and every case where, under the provisions of this Act, any purchase, sale or damage or the money to be paid in respect of the same are directed to be ascertained and determined by arbitration, the same shall be referred to, ascertained and determined by three indifferent persons, one of whom

How the arbitrators shall be appointed.

shall be chosen by the owner or occupier of the land, or other person or persons interested who shall disagree with the said Directors in respect of the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act; one other of the arbitrators shall be chosen by the said Directors, and the third shall be chosen by the two persons to be named as aforesaid, and such three persons shall be the arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and the award of such three persons, or any two of them, shall be final; and the said arbitrators so appointed are hereby required to attend at some convenient place on or near the line of the said Canal, to be appointed by the said Directors, within eight days after notice in writing shall be given them by the said Directors for that purpose, then and there to arbitrate, award and determine such matters as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn before one of Her Majesty's Justices of the Peace for the said district, (any of whom may be required to attend the said meeting, for that purpose), well and truly to assess the damage between

To be sworn.

the parties according to the best of his judgment; Provided, that no arbitrator shall be compellable to attend such meeting, who originally resides more than twenty-five miles from the place of meeting; Provided also, that if the owner or owners, or other person or persons interested in any of the land required for carrying out the purposes of this Act, shall neglect or refuse to appoint an arbitrator, upon being notified to do so by the Directors aforesaid, by writing a letter to that effect, addressed to him, her or them, at his or their last or then present residence, and by publication of such notice for one month in one or more local newspapers of the district in which the land is situated, then and in that case, after the expiration of thirty days from the time of such notice being fully completed, the *Judge of the County Court* within which the lands are situate shall act as arbitrator for such party or parties so refusing or neglecting, and the said Judge shall, with the other two arbitrators, as hereinbefore provided, proceed to adjudge and determine the damages or purchase money, or other matter or thing submitted to their judgment, according to the provisions of this Act; And provided further, that either party dissatisfied with the said award may apply to any of the Superior Courts of law or equity during the term next after the publication of such award to set it aside for any cause for which an award would be set aside as between party and party; and any of the said Courts shall have cognizance thereof, although the submission do not provide for its being made a rule of Court; provided further, that in all arbitrations under this Act, the arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

Proviso.

Proviso: if the owner, &c., neglects to appoint his arbitrator.

Proviso: award may be set aside by superior courts.

Further Proviso.

7. For the purposes of this Act, the said Company shall and may, by some Provincial Land Surveyor in the Province, and by an Engineer by them appointed, cause to be taken and made, surveys and levels of the said lands through which the said intended Canal is to be carried, together with a map or plan of such intended Canal, and the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference of the said Canal, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as the same can be ascertained, and in which shall be contained everything that is necessary for the right understanding of such map or plan, copies of which said map or plan and book of reference shall, on the completion of such survey, map and book of reference, be deposited by the said Company in the offices of the respective registrars for the several counties through which the said Canal or any part thereof shall pass, and also in the office of the Secretary of State of Canada; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts from or copies thereof as occasion shall require, paying to the said Secretary of State of Canada, or to the said respective registrars, at the rate of ten cents lawful money of Canada, for every one hundred words; and the said copies of the said map or plan or book

Company to cause survey to be made and a book of reference to be prepared, and copies registered.

Fees for copies therefrom.

of reference so deposited, or a true copy or copies thereof, certified by the Secretary of State of Canada, or by one of the said registrars for the said respective counties, shall severally be, and they are hereby declared to be good evidence in the courts of law and elsewhere.

Bridges over canal.

8. Whenever any highway or public road shall be cut through by the said Canal, or any of its branches, the said Company shall, within two months thereafter, cause to be constructed a secure and sufficient bridge over the same with proper approaches not exceeding a grade of one foot in twenty feet so as to establish the communication between the several parts of such highway, under a penalty of twenty dollars per day for every day after the expiring of the said time during which the Company shall neglect to construct the said bridge; Provided always, that in the meantime some temporary means of passing along the said highway shall be constructed or provided; Provided further, that if the Canal hereby authorized to be constructed crosses any railway now built or authorized to be built, the said Company shall build such bridge, permanent or otherwise, and shall construct such works for carrying the railway over the said Canal, as the Governor in Council shall direct.

Proviso.

Proviso as to railway bridges.

Punishment of persons wilfully injuring works, &c., on canal.

9. If any person or persons shall maliciously or wilfully break, injure, throw down or destroy any bank, lock, gate, sluice, or any other work, machine, or device belonging or pertaining to the said Company, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution the completing and supporting the said Canal and navigation, or any of its branches, feeders, or other connections or works belonging to the said Company, every such person or persons so offending shall forfeit and pay to the said Company the full value of the damage so done, including loss or inconvenience occasioned by such obstruction, proved by the oath of two or more credible witnesses to have been done; such damages, with costs of suit in that behalf incurred, to be recovered in any Court in the Province of Ontario having competent jurisdiction; and such wilful and malicious act shall be a misdemeanor, and the party or parties committing the same shall and may be indicted and tried for a misdemeanor in any Court of competent jurisdiction, and on conviction thereof may be committed to the common gaol for any time not exceeding twelve months, at the discretion of the Court before whom such offenders shall have been convicted.

Punishment of persons obstructing or impeding navigation.

10. If any person shall obstruct or impede the navigation of the said Canal, or other portion of the said intended navigation, by the introduction of any timber or boats, or vessels, contrary to the rules and regulations laid down for the government of the same to be made by the said Directors, and shall not immediately, upon notice given to the owner or person in charge of such timber, boat or vessel so obstructing the navigation, remove the same, every such owner or person in charge of such timber, raft, boat or vessel so obstructing or impeding the

navigation as aforesaid, shall forfeit and pay a sum not exceeding twenty dollars, for every hour during which the said obstruction shall continue; and it shall be lawful for the Company or their servants to cause such obstructions to be removed, and to cause every such boat, vessel or raft as shall be so overladen as to cause obstruction, to be detained and unloaded, so as to prevent or remove such obstructions, and to recover the cost of so doing from the owner or person in charge of the same, and to detain and seize such vessel, boat or raft, and the cargo thereof, or any part of the cargo or furniture of such vessel, boat or raft, until the charge occasioned by such unloading or removal, or both, shall be paid or satisfied: And if any vessel, boat or raft shall be sunk in any part of the said intended navigation, and the owners shall neglect or refuse to weigh and remove the same forthwith, the said Company may cause the same to be weighed and removed, and retain the same until all charges necessarily incurred in so doing shall be paid or satisfied, and all such charges may be recovered in any Court of competent jurisdiction from the owners or persons in charge of such vessel, boat or raft.

Company may remove obstructions.

Sunken rafts or vessels.

11. In case of any accident requiring immediate repair on the said Canal, or any part of the said navigation, the said Company, their agents, or workmen, may enter upon the adjoining land (not being an orchard or garden) without any previous treaty with the owners or occupiers thereof; and dig for, work, get and carry away and use, all such gravel, stone, earth, clay, or other materials as may be necessary for the repair of the accident aforesaid, doing as little damage as may be to such land, and making compensation therefor, and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as hereinbefore provided: Provided however, that if any action or suit shall be brought against the said Company for any matter or thing done in pursuance of this Act, such action or suit shall be brought within twelve calendar months after the fact committed, and not afterwards.

Provision in case of accidents requiring immediate repair.

Proviso.

12. The said Company may open, cut and erect such ponds and basins for the lying up and turning of vessels, boats or rafts, using the said Canal or navigation, and at such portions of the navigation as they shall deem expedient, and they may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing of vessels, as they shall think proper, and may let the same on such terms as they shall deem expedient, or carry on the business of the same by their servants or agents, as the said Company or the Directors thereof shall decide from time to time.

Ponds and basins for lying up and repairs.

13. The said Company, in order to entitle themselves to the benefits and privileges conferred upon them by this Act, shall commence the said work within three years, and they are hereby required to complete the said navigation within seven years from the passing hereof, that is to say, to open a channel of water communication from some point on the

Works, when to be begun and when completed.

River Thames or Lake St. Clair to the waters of Lake Erie, at or near Two Creeks aforesaid, so as to be navigable for vessels drawing fifteen feet of water; otherwise this Act and every thing therein contained shall be null and void to all intents and purposes.

Draught to be marked on all vessels using the canal.

14. Every vessel of whatsoever kind using the said Canal, shall have her draught of water legibly marked in figures not less than six inches long, from one foot to her greatest draught, upon the stem and stern posts, and any wilful misstatement of such figures, so as to mislead the officers of the Canal as to any vessel's true draught, shall be punishable as a misdemeanor on the part of the owner and master of such vessel, and the said Directors may detain any such vessel upon which incorrect figures of draught shall be found, until the same are corrected at the expense of her owner.

Vessels to be gauged and measured.

15. And for preventing disputes touching the tonnage of vessels navigating the said Canal, every owner or master of every boat, barge, raft or vessel, navigating the said canal, or other part of the said navigation, shall permit the same to be gauged and measured, and for refusing to permit the same, shall forfeit and pay the sum of twenty dollars, and it shall be lawful for the person appointed for that purpose by the said Directors, to gauge and measure all vessels using the said navigation, and his decision shall be final in respect to the tolls to be paid thereon, and he may mark the tonnage or measurement on every vessel habitually using the said Canal, and such measure so marked by him shall always be evidence respecting the tonnage, in all questions respecting the tolls or dues to be paid to the said Company by virtue hereof.

Company may hold certain real estate.

16. The said Company may hold all such lands, hereditaments and tenements as may at any time be granted to them by Her Majesty the Queen, Her heirs or successors, necessary for the works, and may, with the permission of the Governor in Council, take and appropriate so much of the land covered with the waters of any river, stream or lake, or of their respective beds as may be found necessary for the making and completing or more conveniently using the said canal, and thereon may erect or build entrances, locks, dams, tow-paths, branches, feeders, basins, tramways, bridges, wharves and other works which the said Company shall at any time consider necessary: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river or stream to or across which the said Canal may be carried;. Provided further, that all persons whomsoever shall have full liberty to use the said Canal and the rivers, streams and lakes forming portions thereof with any ships, boats, schooners, rafts, vessels or crafts suitable for the navigation thereof; also to use the towing-paths thereof with horses for drawing and hauling such ships, boats, vessels or crafts, upon the payment of such rates and dues as shall be established by the said Company by by-law as hereinafter provided.

Proviso: navigation not to be impeded.

Proviso: as to use of canal.

by this Act, and shall have the same rights, powers and duties as any of the Directors of the Company.

Any person may increase subscription after a certain period.

23. If the whole number of shares shall not be subscribed within two years after the passing of this Act, it shall and may be lawful for any former subscriber to increase his, her or their former subscription.

First meeting for election of directors.

24. So soon as one hundred thousand dollars of the capital stock shall have been subscribed, and ten per cent. thereon shall have been been paid into some one or more of the chartered banks of Canada, or into some branch or agency of such bank or banks, it shall and may be lawful, on giving fifteen days' public notice as hereinafter mentioned, for the Provisional Directors hereinafter named, or a majority of them, or for a majority of the shareholders, to call a meeting, pursuant to directions hereinafter contained, for the purpose of proceeding to elect Directors as hereinafter mentioned, and such election shall then and there be made by a majority of the shareholders present in person or represented by proxy, and the persons then chosen shall remain in office as Directors and be capable of serving until the first Monday in the October succeeding their election; and until the aforesaid one hundred thousand dollars stock shall be subscribed, the following persons shall be Provisional Directors of the said Company: Edward Robinson, Peter D. McKellar, Hermann J. Eberts, Rufus Stevenson, Augustin McDonell, John B. Pike, Caleb Wheeler, James W. Henry, T. Wesley Jackson, Francis J. McIntosh, J C. Patterson, and Robert S. Woods; Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the Town of Chatham and the Town of Windsor, and in such other places as they may from time to appoint, until the meeting of shareholders herein provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give fifteen days' public notice in one or more newspapers published in the said towns and other places, as they or a majority of them may think proper, of the time and places at which such books will be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive such subscriptions, and the chartered bank or banks into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such book as a subscriber to the said undertaking, and who shall have paid, within ten days after the closing of the said books into the bank or banks aforesaid, or any branches or agencies thereof, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company and shall have the same rights and privileges as such, as are hereby conferred upon the several persons who are herein mentioned by name as members of the said Company.

Provisional directors named.

Proviso.

Books of subscription to be opened, and where.

Rights of subscribers.

Directors may appoint agents, and vest certain powers in them.

19. The Directors of the said Company may appoint such and so many agents in Canada, or in any other part of Her Majesty's dominions, or elsewhere, as to them shall seem expedient, and may, by any by-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do, perform or exercise, except the power of making by-laws; and all things done by such agent or agents, by virtue of the powers in him vested by any such by-law, shall be as valid and effectual to all intents and purposes, as if done by such Directors themselves; anything in any part of this Act to the contrary notwithstanding.

Municipalities interested may take stock or loan money.

20. Notwithstanding anything hereinbefore contained, any of the municipalities interested in the said works may subscribe for any number of shares in the capital stock of, or lend to or guarantee the payment of any sum of money, borrowed by the Company from any corporation or person, or endorse or guarantee the payment of any debenture to be issued by the Company for the money by them borrowed, and shall have power to assess and levy, from time to time, upon the whole rateable property of the municipality, a sufficient sum for them to discharge the debt or any engagement so contracted, and for the like purpose to issue debentures, payable either in currency or sterling, and at such places either within or without Canada, and at such time and for such sum respectively, not less than fifty dollars, and bearing or not bearing interest, as such municipality may think fit; and any such debenture issued, endorsed or guaranteed, shall be valid and binding upon such municipality, if signed or endorsed, and coun ersigned by such officer or person, and in such manner and form as shall be directed by any by-law of such municipality; and the corporation seal thereto shall not be necessary, nor the observance of any other form with regard to the debentures than such as shall be directed in such by-law as aforesaid.

And issue debentures.

By-laws for taking stock must be approved by ratepayers.

21. No municipality shall subscribe for stock or incur any debt or liability under this Act, unless and until a by-law to that effect shall have been duly made and adopted, with the consent first had of a majority of the qualified ratepayers of the municipality to be ascertained in such manner as shall be determined by the said by-law, after public advertisement thereof, containing a copy of such proposed by-law, inserted at least four times in each newspaper printed within the limits of the municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest city or town thereto and circulated therein, and also put up in at least four of the most public places in each municipality.

Head of municipality holding stock to be an *ex officio* director

22. The Mayor, Warden or Reeve, being the head of such municipality subscribing for and holding stock in the Company to the amount of ten thousand dollars or upwards, shall be and continue to be *ex-officio* one of the Directors of the Company, in addition to the number of Directors authorized

by this Act, and shall have the same rights, powers and duties as any of the Directors of the Company.

Any person may increase subscription after a certain period.

23. If the whole number of shares shall not be subscribed within two years after the passing of this Act, it shall and may be lawful for any former subscriber to increase his, her or their former subscription.

First meeting for election of directors.

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Provisional directors named.

Proviso.

Books of subscription to be opened, and where.

Rights of subscribers.

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Municipalities interested may take stock or loan money.

20. Notwithstanding anything hereinbefore contained, any of the municipalities interested in the said works may subscribe for any number of shares in the capital stock of, or lend to or guarantee the payment of any sum of money, borrowed by the Company from any corporation or person, or endorse or guarantee the payment of any debenture to be issued by the Company for the money by them borrowed, and shall have power to assess and levy, from time to time, upon the whole rateable property of the municipality, a sufficient sum for them to discharge the debt or any engagement so contracted, and for the like purpose to issue debentures, payable either in currency or sterling, and at such places either within or without Canada, and at such time and for such sum respectively, not less than fifty dollars, and bearing or not bearing interest, as such municipality may think fit; and any such debenture issued, endorsed or guaranteed, shall be valid and binding upon such municipality, if signed or endorsed, and countersigned by such officer or person, and in such manner and form as shall be directed by any by-law of such municipality; and the corporation seal thereto shall not be necessary, nor the observance of any other form with regard to the debentures than such as shall be directed in such by-law as aforesaid.

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Head of municipality holding stock to be an *ex officio* director

22. The Mayor, Warden or Reeve, being the head of such municipality subscribing for and holding stock in the Company to the amount of ten thousand dollars or upwards, shall be and continue to be *ex-officio* one of the Directors of the Company, in addition to the number of Directors authorized

"and judgment for the benefit of the said undertaking or "any thing appertaining thereto.

"In witness whereof, I have hereunto set my hand and "seal, the day of , in the year one "thousand eight hundred and ."

Votes by proxy, valid.

And such vote or votes, by proxy, shall be as valid as if such principals had voted in person; and whatever question, election of proper officers, matters or things, shall be proposed, discussed or considered in any public meeting of the shareholders to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid and all decisions and acts of any such majority shall bind the said Company, and be deemed the decision and acts of the said Company: Provided always, that no shareholder who shall not be a natural-born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament, or an Act of the Parliament of Canada, shall be elected President or Treasurer of the said Company.

Majority of votes to decide all questions.

Proviso as to aliens.

Liability of shareholders limited.

28. No shareholder in the said Company shall be in any manner whatsoever liable or charged for any debt or demand due by the said Company, beyond the payment or the extent of his, her or their share in the capital of the said Company not paid up; the shares in the capital stock of the said Company shall be deemed personal estate, and shall be transferable as such.

Board of directors, president, &c.

29. The affairs of said Company shall be managed by a Board of seven Directors, who shall elect from among themselves a President and Vice-President; the said Directors may be subjects of Her Majesty or otherwise; they shall be shareholders holding stock to the amount of not less than one thousand dollars and who shall have paid up all calls on such stock; the said Directors shall be elected on the first Monday in October in each year, at a meeting of shareholders to be held in the Town of Chatham, and the said election shall be made by such shareholders as shall be present at such meeting in person or represented by proxy; and all elections for Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors (except as hereinbefore or after provided), and if two or more persons shall have an equal number of votes, in such manner, that more than seven shall, by a plurality of votes appear to be chosen Directors, a second ballot shall be held to determine which of the said persons having an equal number of votes shall be Director or Directors.

Election of directors.

Elections to be by ballot.

Term of office of directors.

30. The Directors so chosen, or those appointed in their stead in case of vacancy, shall remain in office until the first Monday of the month of October next following their election, and on the said first Monday in October, and on the first Monday in October in each year thereafter, or on such other day as shall be appointed by any by-law, an annual

Period of annual election.

Special general meetings, and powers.

general meeting of the shareholders shall be held at the office of the Company, for the time being, to choose seven Directors for the ensuing year; but if at any time it shall appear to any ten or more of such shareholders holding together two hundred shares at least, that for more effectually putting this Act in execution, a special general meeting of shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall, by any by-law, direct or appoint, specifying in the said notice the time and place and the reason and intention of such special meeting respectively; and the shareholders are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the shareholders, or the majority of them at such special meetings assembled, such majority not having either as principal or proxies less than two hundred shares, shall be as valid to all intents and purposes as if the same were done at annual meetings: Provided always, that it shall and may be lawful for the said Directors, in case of the death or absence, resignation or removal of any person elected a Director to manage the affairs of the said Company, in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die or be absent, resign or be removed as aforesaid, any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors; and provided further, that all acts done by any Director or Directors acting as such shall, notwithstanding any defect in his or their appointment, or that he or they were disqualified, be as valid as if he or they had been duly appointed and was or were qualified so to act.

Proviso, filling occasional vacancies.

Proviso Acts confirmed.

Directors to elect a president.

31. The Directors shall, at their first (or at some other) meeting after the day appointed for the annual general meeting in each year, elect one of their number by ballot to be the President of the said Company, who shall always (when present) be the Chairman of and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead; and the said Directors may in like manner elect a Vice-President who shall act as Chairman in the absence of the President.

Quorum of directors.

32. Any meeting of the said Directors, at which not less than five Directors shall be present, shall be a quorum, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors: Provided always, that no one Director, though he may be a proprietor of many shares shall have more than one vote at any meeting of the Directors, except the President and Vice-President when acting as Chairman, or any temporary Chairman who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom when presiding at a meeting of the Directors shall, in case

Proviso as to vote of president.

of a division of equal numbers, have the casting vote, although he may have given one vote before: And provided also, that such Directors shall, from time to time, be subject to the examination and control of the said annual and special meetings of the said shareholders as aforesaid, and shall pay due obedience to all by-laws of the said Company and to such orders and directions in and about the premises as they shall, from time to time receive from the said shareholders at such annual or special meetings; such orders and directions not being contrary to the special directions or provisions in this Act contained: And provided also, that the act of any majority of a quorum of the Directors present at any meeting regularly held, shall be deemed the act of the Directors: Provided further, that the Directors of the said Company may vote by proxy, such proxies being themselves Directors, and appointed in the following form or to the like effect:

Proviso: directors to obey by-laws.

Proviso.

Quorum may act.

Proxies.

"I hereby appoint of
"Esquire, one of the Directors of the St. Clair and Lake Erie
"Navigation Company, to be my proxy as Director of the
"said Company, and as such proxy to vote for me at all
"meetings of the Directors of the said Company, and gene-
"rally to do all that I could myself do as such Director if
"personally present at such meeting.

A. B." (Signature)."

But no Director shall act as proxy for more than two other Directors.

33. Any shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold stock in the said Company, to vote on the same, and to be eligible to office in the said Company.

Equal rights of shareholders.

34. Every such annual meeting shall have power to appoint not exceeding three Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers, and other officer or officers to be by the said Directors appointed, or by any other person or persons whatsoever, and employed by or concerned for or under them in and about the said undertaking, and to that end the said Auditors shall have power to adjourn themselves over from time to time and from place to place, as shall be thought convenient by them; and the said Directors chosen under the authority of this Act, shall have power from time to time to make such call or calls of money from the shareholders of the Company, to defray the expenses of or to carry on the works as they from time to time may find wanting and necessary for these purposes, except as before provided; and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work

Auditors to be appointed; their duties.

Powers of the directors.

or workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix or authorize any person to affix the common seal of the Company to any act, deed, by-law, notice or other document whatsoever; and any such act, deed, by-law, notice or other document, bearing the common seal of the Company, and signed by the President or Vice-President, shall be deemed the act of the Directors of the said Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign and affix the said seal thereto, be liable to be called in question by any party except the Company: Provided the said Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Treasurer, and under the authority of a majority of a quorum, shall be binding on the Company, and every such note or bill shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the President, Vice-President or Treasurer of the Company, by reason of being parties thereto, be thereby subjected individually to any liability whatever: Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer or any promissory note intended to be circulated as money or as the notes of a bank.

What shall be deeds of the company.

Company may become parties to promissory notes, &c.

Proviso as to bank notes.

How instalments shall be paid in.

35. The owner or owners of one or more shares in the said undertaking, shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid, to such person or persons and at such time and place, as the said Directors shall from time to time appoint and direct, of which thirty days' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the shareholders or their successors shall by any by-law direct or appoint.

Removal of directors and filling vacancies among them.

36. The said Company shall always have power and authority, at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other officer or officers under them, to revoke, alter, amend or change any of the by-laws or orders prescribed with regard to their proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling, and manner of voting and appointing Directors only excepted), and shall have power to make such new rules, by-laws and orders for the good government of the said Company, and their servants, agents or workmen, for the good and orderly making and using the

Power to make by-laws and for what purposes.

said Canal, and all other works connected therewith or belonging thereto, as hereby authorized, and for the well-governing of all persons whatever travelling upon or using the said Canal and other works, or transporting any goods, wares, merchandize or other commodities thereon; which said by-laws and orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same: and the said by-laws and orders so made and published as aforesaid shall be binding upon and observed by all parties, and shall be sufficient in any Court of law or equity to justify all persons who shall act under the same; and any copy of the said by-laws, or any of them, certified as correct by the President, or some person authorized by the Directors to give such certificate, and bearing the common seal of the said Company, shall be deemed authentic, and shall be received as evidence of such by-laws in any court without further proof.

Proof of by-laws.

37. All sales of the shares in the said undertaking shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:

Sales of shares.

I, A. B., in consideration of the sum of paid by C D., of do hereby bargain, sell, and transfer to the said C. D., share (*or* shares) of the stock of the St. Clair and Lake Erie Navigation Company; to hold to him the said C. D., his executors, administrators, and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof; and I, the said C D., do hereby agree to accept the said share (*or* shares) subject to the same rules, orders and conditions.

Form of transfer.

Witness our hands and seals, this day of in the year one thousand eight hundred and :

Provided always that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Proviso.

38. It shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the Directors shall think proper; and such Clerk shall, in a proper book or books, enter and keep a true and perfect account of the names and places of abode of the several shareholders of the said Company, and of the several persons who shall, from time to time, become owners or proprietors of, or entitled to any share or shares therein, and of the other acts, proceedings, and transactions of the said Company, and of the Directors for the time being, by virtue of and under the authority of

Officers of company and their duties.

this Act; and the said Directors shall have power by by-law to fix and regulate the tolls to be taken upon the said Canal,

Tolls how to be fixed.

but no such tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof.

Annual account and balance sheet

39. The said Company or the Directors of the said Company shall, and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditures of the said

Dividends.

Company or the said Directors; and at a general meeting of the shareholders to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise, and such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the joint stock of the said Company, as such meeting or meetings shall think fit to appoint or determine: Provided

Proviso, capital not to be impaired.

always, that no dividend shall be made, whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Fractions in distance or weight how reckoned.

40. In all cases where there shall be a fraction in the distance which vessels, rafts, goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said navigation, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile; and in all cases where there shall be the fraction of a ton, in the weight of any such goods, wares, merchandize and other commodities, a proportion of the said rates shall be demanded and taken by the said Company to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Company may have agents and exercise power through them.

41. Every matter or thing which the said Company are authorized or empowered to do or suffer, shall be interpreted to mean that the said Company shall be empowered to do and suffer all such acts, matters and things by their duly appointed agents, servants and workmen, whether the same be specially mentioned or not; and in all cases wherein the said Canal is mentioned in this Act, the same shall apply to all branches, feeders, reservoirs and rivers or parts of rivers which shall be made part or parcel of the navigation thereof, or of the supplying of the same with water.

Company to carry mail, &c.,

42. The said Company shall at all times, when thereunto required by the Postmaster General of Canada, the Com-

mander of the Forces, or any person having the superintendence or command of any Police Force, carry Her Majesty's mails, Her Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on Her Majesty's service, on the said Canal, on such terms and conditions, and under such regulations as the Governor or person administering the Government shall, in Council, appoint and declare. when required.

43. The said Company shall, and are hereby required and directed to take sufficient security by one or more bond or bonds, in a sufficient penalty or penalties, from their Treasurer, Receiver and Collector for the time being, of the moneys to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collector, of his and their offices respectively. Company to take security from their treasurer.

44. If any action or suit shall be brought or commenced against any person or persons, for anything done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards ; and the defendant or defendants in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance of and by authority of this Act ; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the plaintiff or plaintiffs shall be non-suited, or discontinue his, her or their action or suit, after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have full costs, and shall have such remedy for the same as any defendant or defendants hath or have for costs of suit in other cases by law. Limitations of actions for things done in pursuance of this Act.

45. Any contravention of this Act by the said Company, or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly, but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof, or by law, the same be forfeited by such contravention. Contraventions of this this Act, how punishable.

46. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her heirs and successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned. Certain rights saved.

Her Majesty may assume the works on certain conditions.

47. At any time after the making and completing the said Canal, it shall be lawful for Her Majesty, Her heirs and successors, to assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said Company, their heirs executors, administrators and assigns the full amount of their respective shares, or of the sums furnished and advanced by each shareholder towards making and completing the said Canal, together with such other sums as will amount to ten per centum upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Canal shall, from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her heirs and successors, who shall thenceforth be substituted in the place and stead of the said Company, their heirs and assigns, for all the purposes of this Act in so far as regards the said Canal.

Effect of such assumption.

No. 31.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate the St. Clair and Lake Erie Navigation Company.

Received and read the first time, Thursday, 26th February, 1880.

Second reading, Friday, 27th February, 1880.

PRIVATE BILL.

Mr. STEPHENSON.

OTTAWA.

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 31] **BILL.** [1880.

An Act to incorporate the St. Clair and Lake Erie Navigation Company.

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

WHEREAS Edward Robinson, Peter D. McKellar, Hermann J. Eberts, and others have petitioned to be incorporated for the purposes hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Edward Robinson, Peter D. McKellar, Hermann J. Eberts, Rufus Stephenson, Augustin McDonell, John B. Pike, Caleb Wheeler, James W. Henry, T. Wesley Jackson, Francis J. McIntosh, J. C. Patterson and Robert S. Woods, together with all such persons (subjects of Her Majesty or others) as shall become shareholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and by the name of "The St. Clair and Lake Erie Navigation Company," and by that name they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, they and their successors by the same name of "The St. Clair and Lake Erie Navigation Company" shall be in law capable of purchasing and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, selling, conveying or otherwise departing therewith for the benefit and on the account of the said Company, from time to time, as they shall deem expedient or necessary. Certain persons incorporated. Corporate name and powers.

2. The Directors of the said Company shall have full power and authority to survey and explore the country lying between the waters of Lake St. Clair and Lake Erie, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of an intended Canal, to commence at some point on the River Thames or waters of Lake St. Clair and passing southerly to connect Power to hold lands, &c., and to construct a canal, and at what place.

the waters of Lake St. Clair with those of Lake Erie, at or near Two Creeks in the Township of Romney, in the County of Kent, and to build and erect the same with the necessary locks, dams, tow-paths, branches, feeders, basins, and tramways, and also, to select such sites for such warehouses and other erections as may be considered expedient by the said Directors, and to purchase and dispose of the same to and for the use and profit of the said Company; Provided that nothing hereinbefore contained shall be construed to extend to compel the owners of any mill seat which shall be in existence before the construction of the said Canal or any of its branches or feeders, to sell or convey the same to the said Company, unless the same shall be in the line of the said Canal, or that the possession of the same shall be necessary to the construction of the said Canal or any of its branches or feeders; Provided also, that the owner or owners of any mill seat or mill seats, using any additional supply of water brought thereto by the said Canal or its branches or feeders, shall pay a reasonable compensation therefor to the said Company, to be determined as hereinafter provided for, deducting any damage done to property by the said Company.

Proviso: as to mill streams.

Proviso: as to additional water furnished to mills.

Company authorized to take measures to supply canal with water.

3. It shall and may be lawful for the said Company, and they are hereby authorized and empowered, from and after the passing of this Act, to supply the said Canal, whilst making and when made, with water from all such brooks, springs, streams, water-courses, lakes, hollows or repositories of water as shall be found in making the said Canal, or within the distance of two thousand yards of the same or any part thereof, or any reservoir or reservoirs to be made for the supplying of the said Canal with water; and the said Company are hereby authorized and empowered to make all such reservoirs, and such and so many feeders, branches, aqueducts, tunnels and channels in connection with and for the use of the said Canal, as to them shall seem necessary and proper; and for the purposes aforesaid, the said Company, their agents, servants and workmen, are hereby authorized and empowered to enter upon and into the lands or grounds of, or belonging to the Queen's Majesty, Her heirs or successors, or to any other person or persons, bodies corporate or politic (except as hereinbefore mentioned), and to survey and take lands of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of the said Canal and its appurtenances, and for the completion of the said water connection and navigation according to the true intent and meaning of this Act, and all such other matters and conveniences as they shall think proper and necessary for making, preserving, improving, completing and using the said intended navigation, and also to bore, dig, trench, cut, remove, take, carry away, and lay soil, clay, stone, rubbish, trees, roots and stumps of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in the making of the said Canal, or in deepening or improving the navigation of any river or rivers, lake or lakes, in connection with, and forming part of the intended navigation,

To enter upon lands and to perform certain work, &c.

or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said Canal or other the said works, or which may hinder or obstruct the making, completing and using the same, and the same to lay in or upon the boundaries of the said Canal or the rivers and lakes forming portions of the said navigation, or in and upon the land of any person or persons adjoining thereto; and also to make, build, erect and set up in and upon the said Canal, and at the points of entrance to the same or any part thereof or of the said intended navigation, or upon the land adjoining or near the same, such and so many wharves, quays, piers, landing-places, bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, bridges and other ways, roads and works as the said Company shall think requisite and convenient for the purposes of the said navigation; and also, from time to time, to alter, enlarge, amend and repair the said works or any of them, for conveying all manner of materials necessary for making, erecting, altering or repairing, widening or enlarging the said works or any parts thereof, and also to place, lay, work and manufacture the said materials, and erect such workshops, forges or other erections as they may deem necessary, upon the lands near the said works; and to make, maintain and alter any places or passages over, under or through the said Canal or any of its branches or connections, or other part of the said intended navigation; and also to make, purchase, set up and appoint such tug or tow-boats, barges, vessels or rafts for the use of the said navigation, as they shall see fit; also to erect and keep in repair any piers, arches or other works in, upon and across any rivers, brooks or lakes, for making, using maintaining and repairing the said Canal, and other the rivers and navigable waters forming part of the said intended navigation, and the towing-paths and other conveniences connected therewith; and also to construct, make and do all of the works, matters and things whatsoever which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Canal and the said intended navigation in pursuance of and within the true meaning of this Act, they, the said Company, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments and tenements; Provided that it shall not be lawful for any other company, corporation or individual to construct or operate a canal for navigation purposes between the waters of Lakes St. Clair and Erie, within six miles of the line of the said Canal hereby authorized during the continuance of this Act.

To erect wharves, &c.

Workshops, &c.

To have tow boats, &c.

Repairs to works.

General power to do all things requisite for the canal and works.

Proviso as to exclusive right.

4. After any land or ground shall be set out and ascertained to be necessary for the purposes of the said navigation or other purposes herein mentioned, it shall be lawful for all owners, whether individuals or bodies corporate or politic, or trustees or lessees, or other party or parties holding any right, title, interest or claim to any of such lands or grounds, to contract for, sell and convey to the said Company, all or

All owners may convey to company.

any part of such land or ground which shall, from time to time, be set out and ascertained as aforesaid; and all such contracts, agreements, sales and conveyances shall be valid and effectual in law, to all intents or purposes, notwithstanding any law, statute or usage to the contrary, and the amount of the purchase moneys to be paid for such lands or grounds respectively, shall be ascertained by arbitration as hereinafter mentioned, unless in such cases as the owner or owners may agree thereupon without the intervention of any third party.

Directors may agree for purchases, or compensation for damages.

5. The Directors of the said Company may contract, compound, compromise, settle and agree with the owners or occupiers respectively of any land through or upon which they may determine to cut and construct the said Canal or other works hereby authorized, either for the purchase of so much of the land as they shall require for the purposes, uses or profit of the Company, or for damages which he, she or they shall or may be entitled to recover from the said Company, in consequence of any of the works hereby authorized being constructed in or upon his or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, the amount of the purchase moneys for the land and tenements purposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

Disputes to be settled by arbitration.

6. In each and every case where any dispute shall arise between the said Directors and any other person or persons whomsoever, touching any purchase, sale or damage, or the money to be paid in respect thereof, and in each and every case where, under the provisions of this Act, any purchase, sale or damage or the money to be paid in respect of the same are directed to be ascertained and determined by arbitration, the same shall be referred to, ascertained and determined by three indifferent persons, one of whom

How the arbitrators shall be appointed.

shall be chosen by the owner or occupier of the land, or other person or persons interested who shall disagree with the said Directors in respect of the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act; one other of the arbitrators shall be chosen by the said Directors, and the third shall be chosen by the two persons to be named as aforesaid, and such three persons shall be the arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and the award of such three persons, or any two of them, shall be final; and the said arbitrators so appointed are hereby required to attend at some convenient place on or near the line of the said Canal, to be appointed by the said Directors, within eight days after notice in writing shall be given them by the said Directors for that purpose, then and there to arbitrate, award and determine such matters as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn before one of Her

To be sworn.

Majesty's Justices of the Peace for the said district, (any of whom may be required to attend the said meeting, for that purpose), well and truly to assess the damage between the parties according to the best of his judgment; Provided, that no arbitrator shall be compellable to attend such meeting, who originally resides more than twenty-five miles from the place of meeting; Provided also, that if the owner or owners, or other person or persons interested in any of the land required for carrying out the purposes of this Act, shall neglect or refuse to appoint an arbitrator, upon being notified to do so by the Directors aforesaid, by writing a letter to that effect, addressed to him, her or them, at his or their last or then present residence, and by publication of such notice for one month in one or more local newspapers of the district in which the land is situated, then and in that case, after the expiration of thirty days from the time of such notice being fully completed, the *Judge of the County Court* within which the lands are situate shall act as arbitrator for such party or parties so refusing or neglecting, and the said Judge shall, with the other two arbitrators, as hereinbefore provided, proceed to adjudge and determine the damages or purchase money, or other matter or thing submitted to their judgment, according to the provisions of this Act; And provided further, that either party dissatisfied with the said award may apply to any of the Superior Courts of law or equity during the term next after the publication of such award to set it aside for any cause for which an award would be set aside as between party and party; and any of the said Courts shall have cognizance thereof, although the submission do not provide for its being made a rule of Court; provided further, that in all arbitrations under this Act, the arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

Proviso.

Proviso: if the owner, &c., neglects to appoint his arbitrator.

Proviso: award may be set aside by superior courts.

Further Proviso.

7. For the purposes of this Act, the said Company shall and may, by some Provincial Land Surveyor in the Province, and by an Engineer by them appointed, cause to be taken and made, surveys and levels of the said lands through which the said intended Canal is to be carried, together with a map or plan of such intended Canal, and the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference of the said Canal, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as the same can be ascertained, and in which shall be contained everything that is necessary for the right understanding of such map or plan, copies of which said map or plan and book of reference shall, on the completion of such survey, map and book of reference, be deposited by the said Company in the offices of the respective registrars for the several counties through which the said Canal or any part thereof shall pass, and also in the office of the Secretary of State of Canada; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts from or copies thereof as occasion shall require, paying to the said Secretary of State

Company to cause survey to be made and a book of reference to be prepared, and copies registered.

Fees for copies therefrom.

of Canada, or to the said respective registrars, at the rate of ten cents lawful money of Canada, for every one hundred words; and the said copies of the said map or plan or book of reference so deposited, or a true copy or copies thereof, certified by the Secretary of State of Canada, or by one of the said registrars for the said respective counties, shall severally be, and they are hereby declared to be good evidence in the courts of law and elsewhere.

Plans to be submitted to Governor in Council.

8. The said Company shall not commence the said canal or any work thereunto appertaining, until the Company shall have submitted plans thereof to, and obtained approval of the same, and of the site by the Governor in Council; nor until such conditions touching the said canal and works, and the use and working thereof, and of the crossings thereof, as he shall have thought fit to impose for the public good, and for the protection of all railways which may be intersected by the canal or works, shall have been complied with; nor shall any such plans be altered or deviated from, except by the permission of the Governor in Council, and upon such conditions as he shall impose; Provided always, that the Company shall give at least four weeks' notice in the *Canada Gazette*, and in one newspaper published in the County of Kent, and at least four weeks' notice in writing to the respective railway companies whose railways would be intersected by the canal or works, of their intention to apply for such approval or permission; nor shall the said Company commence any work upon the railways or property of any such railway company, until full and proper compensation shall be made to such railway company for the injury and damage that may be done to them by the intersection of their railway by the said canal or works—the amount of which compensation, if the parties fail to agree as to the same, shall be determined by three arbitrators, one to be appointed by the Company hereby incorporated, one by the Railway Company, and the third (who shall be some person experienced in railway affairs) by the Governor General in Council; and the decision of a majority of the said arbitrators shall be binding on the parties.

Notice of application.

Compensation.

Arbitration in case of dispute.

Bridges to be constructed at cost of the company.

9. The said Company shall, at their own costs and charges, construct such temporary and such permanent bridges and works, and things appertaining thereto, as may be necessary to secure the safest and most thorough and continuous working of the trains upon the railways that the canal may intersect, and the same shall be maintained at the costs and charges of the said Company; and the said Company shall pay all costs and charges of, and incident to the watching and working by the respective railway companies of the swing or other bridges and works and things appertaining thereto so constructed; and shall duly enter into agreements with the respective railway companies respecting such maintenance, and the payment of the costs and charges therefor, and for such watching and working. All such bridges and works before being commenced, and agreements before being executed, shall be subject to the approval of the Governor in Council in like manner, and upon the

To be approved by Governor in Council.

like written notices as in the eighth section provided for. The trains of the respective railway companies shall have precedence of vessels, rafts, barges or other craft navigating the said canal.

Bridges over canal.

10. Whenever any highway or public road shall be cut through by the said Canal, or any of its branches, the said Company shall, within two months thereafter, cause to be constructed a secure and sufficient bridge over the same with proper approaches not exceeding a grade of one foot in twenty feet so as to establish the communication between the several parts of such highway, under a penalty of twenty dollars per day for every day after the expiring of the said time during which the Company shall neglect to construct the said bridge; Provided always, that in the meantime some temporary means of passing along the said highway shall be constructed or provided.

Proviso.

Punishment of persons wilfully injuring works, &c., on canal.

11. If any person or persons shall maliciously or wilfully break, injure, throw down or destroy any bank, lock, gate, sluice, or any other work, machine, or device belonging or pertaining to the said Company, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution the completing and supporting the said Canal and navigation, or any of its branches, feeders, or other connections or works belonging to the said Company, every such person or persons so offending shall forfeit and pay to the said Company the full value of the damage so done, including loss or inconvenience occasioned by such obstruction, proved by the oath of two or more credible witnesses to have been done; such damages, with costs of suit in that behalf incurred, to be recovered in any Court in the Province of Ontario having competent jurisdiction; and such wilful and malicious act shall be a misdemeanor, and the party or parties committing the same shall and may be indicted and tried for a misdemeanor in any Court of competent jurisdiction, and on conviction thereof may be committed to the common gaol for any time not exceeding twelve months, at the discretion of the Court before whom such offenders shall have been convicted.

Punishment of persons obstructing or impeding navigation.

12. If any person shall obstruct or impede the navigation of the said Canal, or other portion of the said intended navigation, by the introduction of any timber or boats, or vessels, contrary to the rules and regulations laid down for the government of the same to be made by the said Directors, and shall not immediately, upon notice given to the owner or person in charge of such timber, boat or vessel so obstructing the navigation, remove the same, every such owner or person in charge of such timber, raft, boat or vessel so obstructing or impeding the navigation as aforesaid, shall forfeit and pay a sum not exceeding twenty dollars, for every hour during which the said obstruction shall continue; and it shall be lawful for the Company or their servants to cause such obstructions to be removed, and to cause every such boat, vessel or raft as shall be so overladen as to cause obstruction, to be detained

Company may remove obstructions.

and unloaded, so as to prevent or remove such obstructions, and to recover the cost of so doing from the owner or person in charge of the same, and to detain and seize such vessel, boat or raft, and the cargo thereof, or any part of the cargo or furniture of such vessel, boat or raft, until the charge occasioned by such unloading or removal, or both, shall be paid or satisfied: And if any vessel, boat or raft shall be sunk in any part of the said intended navigation, and the owners shall neglect or refuse to weigh and remove the same forthwith, the said Company may cause the same to be weighed and removed, and retain the same until all charges necessarily incurred in so doing shall be paid or satisfied, and all such charges may be recovered in any Court of competent jurisdiction from the owners or persons in charge of such vessel, boat or raft.

Sunken rafts or vessels.

13. In case of any accident requiring immediate repair on the said Canal, or any part of the said navigation, the said Company, their agents, or workmen, may enter upon the adjoining land (not being an orchard or garden) without any previous treaty with the owners or occupiers thereof; and dig for, work, get and carry away and use, all such gravel, stone, earth, clay, or other materials as may be necessary for the repair of the accident aforesaid, doing as little damage as may be to such land, and making compensation therefor, and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as hereinbefore provided: Provided however, that if any action or suit shall be brought against the said Company for any matter or thing done in pursuance of this Act, such action or suit shall be brought within twelve calendar months after the fact committed, and not afterwards.

Provision in case of accidents requiring immediate repair.

Proviso.

14. The said Company may open, cut and erect such ponds and basins for the lying up and turning of vessels, boats or rafts, using the said Canal or navigation, and at such portions of the navigation as they shall deem expedient, and they may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing of vessels, as they shall think proper, and may let the same on such terms as they shall deem expedient, or carry on the business of the same by their servants or agents, as the said Company or the Directors thereof shall decide from time to time.

Ponds and basins for lying up and repairs.

15. The said Company, in order to entitle themselves to the benefits and privileges conferred upon them by this Act, shall commence the said work within three years, and they are hereby required to complete the said navigation within seven years from the passing hereof, that is to say, to open a channel of water communication from some point on the River Thames or Lake St. Clair to the waters of Lake Erie, at or near Two Creeks aforesaid, so as to be navigable for vessels drawing fifteen feet of water; otherwise this Act and every thing therein contained shall be null and void to all intents and purposes.

Works, when to be begun and when completed.

16. Every vessel of whatsoever kind using the said Canal, shall have her draught of water legibly marked in figures not less than six inches long, from one foot to her greatest draught, upon the stem and stern posts, and any wilful misstatement of such figures, so as to mislead the officers of the Canal as to any vessel's true draught, shall be punishable as a misdemeanor on the part of the owner and master of such vessel, and the said Directors may detain any such vessel upon which incorrect figures of draught shall be found, until the same are corrected at the expense of her owner.

Draught to be marked on all vessels using the canal.

17. The said Company may hold all such lands, hereditaments and tenements as may at any time be granted to them by Her Majesty the Queen, Her heirs or successors, necessary for the works, and may, with the permission of the Governor in Council, take and appropriate so much of the land covered with the waters of any river, stream or lake, or of their respective beds as may be found necessary for the making and completing or more conveniently using the said canal, and thereon may erect or build entrances, locks, dams, tow-paths, branches, feeders, basins, tramways, bridges, wharves and other works which the said Company shall at any time consider necessary: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river or stream to or across which the said Canal may be carried; Provided further, that all persons whomsoever shall have full liberty to use the said Canal and the rivers, streams and lakes forming portions thereof with any ships, boats, schooners, rafts, vessels or crafts suitable for the navigation thereof; also to use the towing-paths thereof with horses for drawing and hauling such ships, boats, vessels or crafts, upon the payment of such rates and dues as shall be established by the said Company by by-law as hereinafter provided.

Company may hold certain real estate.

Proviso: navigation not to be impeded.

Proviso: as to use of canal.

18. The capital stock of the said Company shall be three million dollars, or the equivalent in sterling (exclusive of any real estate which the said Company may have or hold by virtue of this Act), to be held in thirty thousand shares of one hundred dollars each; and the shares of the said capital stock shall, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same, to any other person or persons; and such transfer shall be registered in a book or books to be kept by the said Company for that purpose; and the said capital stock shall be subscribed by the persons hereinbefore named or some of them, together with such other persons or corporations as may become shareholders in such stock; and out of the first instalment paid thereon, all reasonable and preliminary expenditure incurred in procuring the passing of this Act and in making the surveys, plans and estimates connected with the said Canal shall be paid on the vote of the Provisional Board of Directors, and the rest and remainder of such instalment and of all other instalments paid on account of such shares of the capital stock shall be applied towards making, completing and

Capital stock and number and value of shares.

Transfers.

Application of funds.

maintaining the said Canal and other purposes authorized by this Act, and to no other purpose whatever.

Who may subscribe for shares; five per cent. to be paid down.

19. All persons, subjects of Her Majesty, or others, may subscribe for any number of shares, the amount whereof shall be payable to the said Company, in the manner hereinafter mentioned, that is to say, ten per cent. on each share so subscribed shall be payable to the said Company immediately after the shareholders shall have elected the Directors as hereinafter mentioned, and the remainder by instalments of not more than ten per centum, at such periods as the President and Directors shall from time to time direct for the payment thereof; Provided that no instalment shall be called in at a shorter period than ninety days from the next preceding instalment, nor until public notice shall have been given as hereinafter mentioned, with respect to notice of meetings holden under this Act, for at least thirty days previous to the day on which such instalment is made payable: Provided also, that if any shareholder or shareholders shall neglect or refuse to pay the said Company the instalment due upon any share or shares held by him, her or them, at the time required by law, such share or shares, with the amount previously paid thereon, shall be forfeited, and the said Directors shall sell such share or shares by public auction, after having given thirty days' notice of such intended sale to such shareholder or respective shareholders, and the proceeds thereof, with the amount previously paid thereon, shall be accounted for and applied in the same maner as the other funds of the Company; Provided also, that such purchaser or purchasers shall pay all instalments which shall be due upon such shares, over and above the purchase money thereof, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares so to be purchased as aforesaid,

Proviso: instalments.

Proviso: forfeiture for non-payment.

Proviso; payment of arrears.

Directors may appoint agents, and vest certain powers in them.

20. The Directors of the said Company may appoint such and so many agents in Canada, or in any other part of Her Majesty's dominions, or elsewhere, as to them shall seem expedient, and may, by any by-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do, perform or exercise, except the power of making by-laws; and all things done by such agent or agents, by virtue of the powers in him vested by any such by-law, shall be as valid and effectual to all intents and purposes, as if done by such Directors themselves; anything in any part of this Act to the contrary notwithstanding.

Any person may increase subscription after a certain period.

21. If the whole number of shares shall not be subscribed within two years after the passing of this Act, it shall and may be lawful for any former subscriber to increase his, her or their former subscription.

First meeting for election of directors.

22. So soon as one hundred thousand dollars of the capital stock shall have been subscribed, and ten per cent. thereon shall have been been paid into some one or more of

the chartered banks of Canada, or into some branch or agency of such bank or banks, it shall and may be lawful, on giving fifteen days' public notice as hereinafter mentioned, for the Provisional Directors hereinafter named, or a majority of them, or for a majority of the shareholders, to call a meeting, pursuant to directions hereinafter contained, for the purpose of proceeding to elect Directors as hereinafter mentioned, and such election shall then and there be made by a majority of the shareholders present in person or represented by proxy, and the persons then chosen shall remain in office as Directors and be capable of serving until the first Monday in the October succeeding their election; and until the aforesaid one hundred thousand dollars stock shall be subscribed, the following persons shall be Provisional Directors of the said Company: Edward Robinson, Peter D. McKellar, Hermann J. Eberts, Rufus Stevenson, Augustin McDonell, John B. Pike, Caleb Wheeler, James W. Henry, T. Wesley Jackson, Francis J. McIntosh, J. C. Patterson, John Northwood, Senator, and Robert S. Woods; Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the Town of Chatham and the Town of Windsor, and in such other places as they may from time to time appoint, until the meeting of shareholders herein provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give fifteen days' public notice in one or more newspapers published in the said towns and other places, as they or a majority of them may think proper, of the time and places at which such books will be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive such subscriptions, and the chartered bank or banks into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such book as a subscriber to the said undertaking, and who shall have paid, within ten days after the closing of the said books into the bank or banks aforesaid, or any branches or agencies thereof, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company and shall have the same rights and privileges as such, as are hereby conferred upon the several persons who are herein mentioned by name as members of the said Company.

Provisional directors named.

Proviso.

Books of subscription to be opened, and where.

Rights of subscribers.

23 The chief duties of the Directors so chosen shall be, in the first place, to provide for and pay the preliminary expenses of the undertaking as aforesaid, procure and provide means for the payment for accurate and detailed surveys, specifications, plans and estimates of the work to be done, in order to complete the intended navigation as contemplated by this Act; also to ask, advertise for, and receive tenders for the whole or any part of the proposed work, and generally to do all things authorized by the said Company to be done by virtue of this Act; also to issue to the parties, persons or bodies who may have contributed towards the pay-

Duties of directors.

ment of the preliminary expenses, stock certificates of the Company for the amount of their respective contributions.

Company may borrow money and issue debentures.

24. The said Company may from time to time lawfully borrow, either in the Dominion of Canada or elsewhere, such sum or sums of money, not exceeding at any time two-thirds of the authorized capital of the Company, as they may find expedient, and may make the bonds, debentures or other securities they shall grant for the sums so borrowed, payable either in lawful money of Canada or in sterling, and at such place or places within or without Canada, as they may deem advisable, and may mortgage or pledge the lands, tolls, revenues or other property of the said Company, for the due payment of the said sums and the interest theron; and the said Company may issue debentures in sums of not less than one hundred dollars, at not less than twelve months; Provided the whole debt, including such debentures, does not at any time exceed the subscribed capital.

Proviso.

Number of votes in proportion to shares.

25. Each proprietor of shares in the said undertaking shall be entitled, on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said Company are to be given, to one vote for each share:

Proviso as to proxies.

Provided always, that all shareholders, whether resident in Canada or not, may vote by proxy, if he, she or they shall see fit; provided that such proxy is a shareholder and produces from his constituent or constituents a notice in writing in the words or to the effect following, that is to say:

Form of appointment by proxy.

"I, , of , one of the proprietors "of the St. Clair and Lake Erie Navigation Company, do "hereby nominate, constitute and appoint , of " , to be my proxy, in my name, and in my ab- "sence, to vote or give my assent or dissent to any business, "matter or thing relating to the said undertaking, that shall "be mentioned or proposed at any meeting of the proprietors "of the said undertaking, or any of them, in such manner as "he the said shall think fit, according to his opinion "and judgment for the benefit of the said undertaking or "any thing appertaining thereto.

"In witness whereof, I have hereunto set my hand and "seal, the day of , in the year one "thousand eight hundred and ."

Votes by proxy, valid.

And such vote or votes, by proxy, shall be as valid as if such principals had voted in person; and whatever question, election of proper officers, matters or things, shall be proposed, discussed or considered in any public meeting of the shareholders to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decision and acts of the said Company.

Majority of votes to decide all questions.

26. No shareholder in the said Company shall be in any manner whatsoever liable or charged for any debt or demand due by the said Company, beyond the payment or the extent of his, her or their share in the capital of the said Company not paid up; the shares in the capital stock of the said Company shall be deemed personal estate, and shall be transferable as such. Liability of shareholders limited.

27. The affairs of said Company shall be managed by a Board of seven Directors, who shall elect from among themselves a President and Vice-President; the said Directors may be subjects of Her Majesty or otherwise; they shall be shareholders holding stock to the amount of not less than one thousand dollars and who shall have paid up all calls on such stock; the said Directors shall be elected on the first Monday in October in each year, at a meeting of shareholders to be held in the Town of Chatham, and the said election shall be made by such shareholders as shall be present at such meeting in person or represented by proxy; and all elections for Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors (except as hereinbefore or after provided), and if two or more persons shall have an equal number of votes, in such manner, that more than seven shall, by a plurality of votes appear to be chosen Directors, a second ballot shall be held to determine which of the said persons having an equal number of votes shall be Director or Directors. Board of directors, president, &c. Election of directors. Elections to be by ballot.

28. The Directors so chosen, or those appointed in their stead in case of vacancy, shall remain in office until the first Monday of the month of October next following their election, and on the said first Monday in October, and on the first Monday in October in each year thereafter, or on such other day as shall be appointed by any by-law, an annual general meeting of the shareholders shall be held at the office of the Company, for the time being, to choose seven Directors for the ensuing year; but if at any time it shall appear to any ten or more of such shareholders holding together two hundred shares at least, that for more effectually putting this Act in execution, a special general meeting of shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall, by any by-law, direct or appoint, specifying in the said notice the time and place and the reason and intention of such special meeting respectively; and the shareholders are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the shareholders, or the majority of them at such special meetings assembled, such majority not having either as principal or proxies less than two hundred shares, shall be as valid to all Term of office of directors. Period of annual election. Special general meetings, and powers.

intents and purposes as if the same were done at annual meetings: Provided always, that it shall and may be lawful for the said Directors, in case of the death or absence, resignation or removal of any person elected a Director to manage the affairs of the said Company, in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die or be absent, resign or be removed as aforesaid, any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors; and provided further, that all acts done by any Director or Directors acting as such shall, notwithstanding any defect in his or their appointment, or that he or they were disqualified, be as valid as if he or they had been duly appointed and was or were qualified so to act.

Proviso, filling occasional vacancies.

Proviso, acts confirmed.

Directors to elect a president.

29. The Directors shall, at their first (or at some other) meeting after the day appointed for the annual general meeting in each year, elect one of their number by ballot to be the President of the said Company, who shall always (when present) be the Chairman of and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead; and the said Directors may in like manner elect a Vice-President who shall act as Chairman in the absence of the President.

Quorum of directors.

Proviso as to vote of president.

30. Any meeting of the said Directors, at which not less than five Directors shall be present, shall be a quorum, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors: Provided always, that no one Director, though he may be a proprietor of many shares shall have more than one vote at any meeting of the Directors, except the President and Vice-President when acting as Chairman, or any temporary Chairman who, in case of the absence of the President and Vice-President may be chosen by the Directors present, either of whom when presiding at a meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before: And provided also, that such Directors shall, from time to time, be subject to the examination and control of the said annual and special meetings of the said shareholders as aforesaid, and shall pay due obedience to all by-laws of the said Company and to such orders and directions in and about the premises as they shall, from time to time receive from the said shareholders at such annual or special meetings; such orders and directions not being contrary to the special directions or provisions in this Act contained: And provided also, that the act of any majority of a quorum of the Directors present at any meeting regularly held, shall be deemed the act of the Directors.

Proviso: directors to obey by-laws.

Proviso.

Quorum may act.

Auditors to be appointed; their duties.

31. Every such annual meeting shall have power to appoint not exceeding three Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers, and other

officer or officers to be by the said Directors appointed, or by any other person or persons whatsoever, and employed by or concerned for or under them in and about the said undertaking, and to that end the said Auditors shall have power to adjourn themselves over from time to time and from place to place, as shall be thought convenient by them; and the said Directors chosen under the authority of this Act, shall have power from time to time to make such call or calls of money from the shareholders of the Company, to defray the expenses of or to carry on the works as they from time to time may find wanting and necessary for these purposes, except as before provided; and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work or workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix or authorize any person to affix the common seal of the Company to any act, deed, by-law, notice or other document whatsoever; and any such act, deed, by-law, notice or other document, bearing the common seal of the Company, and signed by the President or Vice-President, shall be deemed the act of the Directors of the said Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign and affix the said seal thereto, be liable to be called in question by any party except the Company: Provided the said Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Treasurer, and under the authority of a majority of a quorum, shall be binding on the Company, and every such note or bill shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the President, Vice-President or Treasurer of the Company, by reason of being parties thereto, be thereby subjected individually to any liability whatever: Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer or any promissory note intended to be circulated as money or as the notes of a bank.

Powers of the directors.

What shall be deeds of the company.

Company may become parties to promissory notes, &c.

Proviso as to bank notes.

32. The owner or owners of one or more shares in the said undertaking, shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid, to such person or persons and at such time and place, as the said Directors shall from time to time appoint and direct, of which thirty days' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the shareholders or their successors shall by any by-law direct or appoint.

How instalments shall be paid in.

Removal of directors and filling vacancies among them.

33. The said Company shall always have power and authority, at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other officer or officers under them, to revoke, alter, amend or change any of the by-laws or orders prescribed with regard to their proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling, and manner of voting and appointing Directors only excepted), and shall have power to make such new rules, by-laws and orders for the good government of the said Company, and their servants, agents or workmen, for the good and orderly making and using the said Canal, and all other works connected therewith or belonging thereto, as hereby authorized, and for the well-governing of all persons whatever travelling upon or using the said Canal and other works, or transporting any goods, wares, merchandize or other commodities thereon; which said by-laws and orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said by-laws and orders so made and published as aforesaid shall be binding upon and observed by all parties, and shall be sufficient in any Court of law or equity to justify all persons who shall act under the same; and any copy of the said by-laws, or any of them, certified as correct by the President, or some person authorized by the Directors to give such certificate, and bearing the common seal of the said Company, shall be deemed authentic, and shall be received as evidence of such by-laws in any court without further proof.

Power to make by-laws and for what purposes.

Proof of by-laws.

Sales of shares.

34. All sales of the shares in the said undertaking shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:

Form of transfer.

I, A. B, in consideration of the sum of paid by C D., of do hereby bargain, sell, and transfer to the said C. D., share (*or* shares) of the stock of the St. Clair and Lake Erie Navigation Company; to hold to him the said C. D., his executors, administrators, and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof; and I, the said C.D., do hereby agree to accept the said share (*or* shares) subject to the same rules, orders and conditions.

Witness our hands and seals, this day of in the year one thousand eight hundred and :

Proviso.

Provided always that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

35. It shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the Directors shall think proper; and such Clerk shall, in a proper book or books, enter and keep a true and perfect account of the names and places of abode of the several shareholders of the said Company, and of the several persons who shall, from time to time, become owners or proprietors of, or entitled to any share or shares therein, and of the other acts, proceedings, and transactions of the said Company, and of the Directors for the time being, by virtue of and under the authority of this Act; and the said Directors shall have power by by-law to fix and regulate the tolls to be taken upon the said Canal, but no such tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* and in two newspapers as aforesaid, of the by-law establishing such tolls, and of the Order in Council approving thereof.

Officers of company and their duties.

Tolls how to be fixed.

36. The said Company or the Directors of the said Company shall, and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditures of the said Company or the said Directors; and at a general meeting of the shareholders to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise, and such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the joint stock of the said Company, as such meeting or meetings shall think fit to appoint or determine: Provided always, that no dividend shall be made, whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Annual account and balance sheet

Dividends.

Proviso, capital not to be impaired.

37. In all cases where there shall be a fraction in the distance which vessels, rafts, goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said navigation, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile; and in all cases where there shall be the fraction of a ton, in the weight of any such goods, wares, merchandize and other commodities, a proportion of the said rates shall be demanded and taken by the said Company to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Fractions in distance or weight how reckoned.

Company may have agents and exercise power through them.

38. Every matter or thing which the said Company are authorized or empowered to do or suffer, shall be interpreted to mean that the said Company shall be empowered to do and suffer all such acts, matters and things by their duly appointed agents, servants and workmen, whether the same be specially mentioned or not; and in all cases wherein the said Canal is mentioned in this Act, the same shall apply to all branches, feeders, reservoirs and rivers or parts of rivers which shall be made part or parcel of the navigation thereof, or of the supplying of the same with water.

Company to carry mail, &c., when required.

39. The said Company shall at all times, when thereunto required by the Postmaster General of Canada, the Commander of the Forces, or any person having the superintendence or command of any Police Force, carry Her Majesty's mails, Her Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on Her Majesty's service, on the said Canal, on such terms and conditions, and under such regulations as the Governor or person administering the Government shall, in Council, appoint and declare.

Company to take security from their Treasurer.

40. The said Company shall, and are hereby required and directed to take sufficient security by one or more bond or bonds, in a sufficient penalty or penalties, from their Treasurer, Receiver and Collector for the time being, of the moneys to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collector, of his and their offices respectively.

Certain rights saved.

41. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her heirs and successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Her Majesty may assume the works on certain conditions.

42. At any time after the making and completing the said Canal, it shall be lawful for Her Majesty, Her heirs and successors, to assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said Company, their heirs, executors, administrators and assigns the full amount of their respective shares, or of the sums furnished and advanced by each shareholder towards making and completing the said Canal, together with such other sums as will amount to ten per centum upon the moneys so advanced and paid, as a full indemnification to such Company; and the said

Effect of such assumption.

Canal shall, from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her heirs and successors, who shall thenceforth be substituted in the place and stead of the said Company, their heirs and assigns, for all the purposes of this Act in so far as regards the said Canal.

No: 31.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate the St. Clair and Lake Erie Navigation Company.

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

(PRIVATE BILL.)

Mr. STEPHENSON.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.

1880.

Reprinted

No. 32] **BILL.** [1880.

An Act respecting the Montreal Assurance Company.

Preamble. WHEREAS the Montreal Assurance Company, incorporated under the Ordinance of the late Province of Lower Canada, chapter thirty-seven, passed in the Session held in the third and fourth years of the reign of Her present Majesty, as amended by the Acts of the late Province of Canada, chapters twenty-two and one hundred and twenty-one, passed respectively in the Sessions held in the sixth and thirteenth and fourteenth years of Her said Majesty's reign, have, by their petition, represented that they are desirous of continuing their corporate powers and existence; and whereas it is desirable to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporation continued. **1.** The corporate existence of the said Company is hereby extended and continued beyond the first day of May, one thousand eight hundred and eighty, and the said Company, together with such persons as may hereafter become shareholders in the said Company, are hereby declared to be and shall be a body politic and corporate in law, in fact and in name, by the name and style of "The Montreal Assurance Company," for the purposes hereinafter set forth; and shall and may have perpetual succession, and shall be capable in law of contracting and being contracted with, and sueing and being sued, pleading and being impleaded in any court of law or equity in their corporate name aforesaid; and they and their successors shall and may have a common seal, and may change the same at their will and pleasure: Provided always, that nothing in this Act contained shall be construed in any manner to affect any contract, matter, or thing concerning the said Company otherwise than is herein expressed, or to affect any action, suit or proceeding commenced on behalf of or against the said Company at the time of the passing of this Act; but every such action, suit, or proceeding shall be carried on by or against the said Company hereby constituted, which is in such case for all such purposes substituted for the said original corporation; and all property, real or personal, debts, rights, claims and privileges heretofore belonging to or vested in the said original corporation, and all their interest in the same, shall be held by and are hereby vested in the said Company hereby constituted, in the same manner, and with all such benefits and liabilities attaching to the same as existed at the time of the passing of this Act; and all the engagements made or entered into by or on behalf of the said original corporation

Corporate name and powers.

Proviso: certain rights saved.

Property transferred.

shall continue to be valid and binding under this Act in favor of or against the said Company hereby constituted.

Capital stock and shares.

Increase.

Proviso.

2. The capital stock of the said Company hereby constituted shall be one million dollars, divided into ten thousand shares of one hundred dollars each, with the privilege to increase the same from time to time to any amount not exceeding two millions of dollars by a vote of the shareholders at any general or special meeting of shareholders called for that purpose; which said shares shall be and are hereby vested in the several persons who have subscribed or shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided, that upon every increase of the capital stock of the Company, the sum of at least five per cent. upon the amount of such increased capital shall be paid on subscribing.

Shareholders to have equal rights.

3. Aliens as well as British subjects, and whether resident in Canada or elsewhere, may be shareholders in the said Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors or otherwise in the said Company; but the major part of the directors shall at all times be persons resident in Canada and subjects of Her Majesty by birth or naturalization.

Calls on shares.

Proviso.

4. The shares of capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said directors shall appoint; no such instalment shall exceed ten per cent. of the sum subscribed; thirty days' notice of each call shall be given, and instalments shall not be made payable more frequently than once in three months: Provided, that the said Company shall not be authorized to avail themselves of the privileges conferred by this Act otherwise than in accordance with the provisions of the several Acts of the Parliament of the Dominion relating to Insurance Companies.

Forfeiture of shares for non-payment of calls.

5. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the directors may, in addition to sueing for the recovery thereof, declare such share or shares forfeited, together with the amount previously paid thereon, and the same shall thereupon become the property of the Company in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold, ballotted, or otherwise held or disposed of on such terms, in such manner, and to such person or persons as the directors shall see fit, and any moneys arising therefrom shall be applied for the purposes of this Act.

What it shall be necessary to prove in actions for recovery.

6. In all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant, being the owner of such shares is indebted to the said Company in such sum of money as the calls in arrear amount to for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the

defendant was owner of the said shares in the stock of the Company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls or any matters whatsoever other than what is before mentioned; a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the president or one of the vice-presidents, or the managing director or secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *primâ facie* evidence of such by-law, rule, regulation, minute or entry, without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Transfer of shares.

7. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may from time to time be fixed by the by-laws; and until the whole of the capital stock of the said Company is paid up, it shall be necessary to obtain the consent of the directors to such transfer being made: Provided always, that no shareholder indebted, whether for calls or otherwise to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the directors.

Liability of shareholders limited.

8. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities of the Company, but no further.

Board of directors.

9. The stock, property, affairs and concerns of the said Company shall be managed and conducted by a board of not less than five nor more than nine directors, as may be determined by by-law, who shall hold office until the next following general election of directors, and shall be elected, and all such elections shall be, by ballot; and the said directors (as soon as may be after the said election) shall proceed to elect one of their number to be the president, and one other to be vice-president of the Company; and if any vacancy should at any time occur amongst the said directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such an office.

Vacancies.

Provisional directors and their powers.

10. For the purpose of organizing the said Company, the Honorable Alexander Cross, one of the Judges of the Court of Queen's Bench for Lower Canada, Alexander Murray, Esquire, Matthew H. Gault, Esquire, M. P., Robert Campbell, Esquire, and William H. Murray, Esquire, all of the City of Montreal, shall be the provisional directors thereof; and they or a majority of them may cause stock-books to be opened by giving due notice thereof by advertisement for two weeks in one or more daily papers published in the City of Mon-

treal, upon which stock-books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Company; and such books shall be opened in the City of Montreal, and elsewhere, at the discretion of the said provisional directors, and shall remain open as long as they deem necessary, and the provisional directors are hereby authorized to receive from the shareholders a deposit of five per cent. on the amount of stock subscribed by them respectively: Provided always, that the present shareholders of the said original corporation shall for days after the opening of the said stock-books, but no longer, have a prior right to a rateable allotment of the said stock.

Proviso: as to the present shareholders.

First meeting of shareholders and proceedings thereat.

11. When and so soon as five hundred thousand dollars of the said capital stock shall have been subscribed, as aforesaid, and twenty per cent. of the amount so subscribed paid in, the said provisional directors shall call a general meeting of shareholders at some place to be named in the City of Montreal, giving at least ten days' notice thereof in two daily newspapers published in the said city, at which meeting the shareholders present in person or represented by proxy shall elect not less than five nor more than nine directors, as may be determined by resolution of the said meeting, in the manner and qualified as hereinafter provided, who shall constitute a board of directors, and hold office till the next annual meeting of the Company, which shall be held after six months thereafter.

Failure of election not to dissolve the company.

12. In case it should at any time happen that an election of directors of the said Company shall not be made on any day when pursuant to this Act it should have been done, the said Company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election at a special general meeting to be called for that purpose by the directors, who shall continue in office until a new election is made.

When company may commence business.

13. When and so soon as five hundred thousand dollars of the capital stock of the Company shall have been *bonâ fide* subscribed for, and one hundred thousand dollars thereof shall have been actually paid in, and not before, the Company may commence business under this Act.

Votes on shares.

14. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than thirty days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes,

Casting vote.

the chairman presiding at such meeting having the casting vote in case of an equality of votes, in addition to his own vote as a shareholder.

15. At the annual meeting of the shareholders the election of directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting; special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the president, or in his absence the vice-president, or in the absence of both of them, a director or shareholder chosen by the shareholders, shall preside, who in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder; at all meetings of directors all questions before them shall be decided by a majority of votes, and in case of an equality of votes the president, vice-president or presiding director shall give a casting vote, in addition to his vote as a director.

Proceedings at general meetings.

16. The said Company shall have power and authority to make and effect contracts of insurance in Canada, Great Britain, the United States of America, or any foreign State with any person or persons, body politic or corporate, against loss or damage by fire or lightning, on any house, store or other building whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations, and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon and set forth by and between the Company and the person or persons agreeing with them for such insurance; and the said Company, in like manner, shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, storm or tempest, or other peril of navigation, or from any other cause, of or to ships, boats, vessels or other craft navigating the oceans, lakes, rivers, or high seas, or other navigable waters, whatsoever, from any port or ports in Canada to any other port or ports in Canada, or to any ocean port or ports upon the oceans, lakes, rivers, or other navigable waters aforesaid, or from one foreign port to another foreign port, or from any foreign port or ports to any port or ports in Canada or elsewhere, upon all or any of the oceans, lakes, rivers and navigable waters aforesaid, and against any loss or damage of or to the cargoes, including live stock, or property conveyed in or upon such ships, vessels, boats or other craft, and the freight due or to grow due in respect thereof, or of or to timber or other property of any description conveyed in any manner upon any of the oceans, seas, lakes, rivers or navigable waters aforesaid, or on any railway, or stored in any warehouse or railway station, and generally to do all matters and things relating to or connected with fire and marine insurances as aforesaid; and to make and effect assurances on the life or lives, or in any manner dependent on such life or lives, and also against all accidents whatever, either by land or sea, and against sickness, and also against all error, default, irregularity, misconduct, dishonesty, or malversation of clerks and employees of every description, depositaries, warehousemen, and all persons employed about the management of the affairs of others, in whole or in part, or entrusted

Business of the company. Fire insurance.

Marine insurance.

Life and guarantee insurance.

Annuities and reversionary interests.

with their property, moneys, or effects, and to grant annuities, and to purchase reversionary interests, the whole for such premiums or considerations, and with such modifications, restrictions, and conditions as may be bargained or agreed upon or set forth, to make the same non-contestable, non-forfeitable or otherwise, and to grant all policies therein and thereupon; and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; and generally to do and perform all other necessary matters and things connected with and proper to promote these objects; and all policies or contracts of insurance issued or entered into by the said Company shall be signed by the president or one of the vice-presidents, and countersigned by the managing director or secretary, or otherwise, as may be directed by the by-laws, rules, and regulations of the Company, and being so signed and countersigned, shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

Re-insurance.

Policies, how signed.

Power to hold real estate.

17. The Company shall have power to acquire and hold such real estate not exceeding in annual value five thousand dollars, and to sell or dispose of the same and acquire other property in its place, as may be deemed expedient; and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bonâ fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owners thereof; and to retain the same for a period not exceeding ten years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or of any of the Provinces thereof or of any Foreign State or States, when required for the carrying on business in such foreign State—such investment in securities of foreign States not at any time to exceed *fifty* per cent. of the funds then invested,—or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, in such manner as the directors may elect; and may from time to time vary or sell the said securities, or mortgage or pledge the same from time to time as occasion may require.

Investment of funds.

Powers of the directors.

18. The directors of the said Company hereby constituted shall have full power in all things to administer the affairs of the Company, and make or cause to be made, any description of contract which the Company may by law enter into; and may from time to time make by-laws not contrary to law or to this Act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment of calls, the cancellation or disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of the directors, their term of service,

By-laws.

the amount of their stock qualification, the appointment, functions, duties, and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration, and that, (if any) of the directors, the time and place where the annual and other meetings shall be held, the calling of meetings, regular and special, of the board of directors and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend or re-enact the same; but every such by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company duly called for the purpose shall only have force until the next annual meeting of the Company, and in default of confirmation thereat, shall at and from that time only cease to have force: Provided always, that one quarter part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition notice as they may issue to that effect.

Confirmation thereof.

Proviso: special meeting may be called.

19. The chief place of business of the Company hereby constituted shall be in the City of Montreal; and the said Company shall have full power and authority to comply with the laws of any Province, State or Country wherein it proposes to carry on business so far as such laws are not inconsistent with the provisions of this Act, or with the laws of Canada, and to appoint therein under the seal of the Company, local managers, agents, or other officers.

Head office and agencies.

20. The Company shall not be bound to see to the execution of any trust whether expressed, implied or constructive, to which any share or shares of its stock may be subject; and the receipt of the person in whose name any share stands shall be sufficient discharge to the Company for any money paid in respect of such share or shares, notwithstanding any trust to which they or any of them may be held subject, and whether or not the Company shall have had notice of such trust.

Company not bound to see to trusts.

21. If the directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable as well to the Company as to the individual shareholders and creditors thereof for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared do forthwith, or if any director then absent do within twenty-four hours after he shall have become aware thereof, and able to do so, enter in the minutes of the board of directors his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at or as near as may be possible to the head office of

Penalty if dividend is declared when company is insolvent, &c:

How liability may be avoided.

the Company, such director may thereby and not otherwise, exonerate himself from such liability.

Company's guarantee may be accepted by Government.

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

Accounts of original company.

23. The said Company hereby constituted shall keep a separate account of the assets and liabilities of the said original Company, and shall with all possible diligence proceed to liquidate the same; and the surplus may from time to time, be rateably distributed among the shareholders of the said original Company, or the said Company hereby constituted may purchase from the shareholders all their rights and interest in the assets upon such terms and conditions as may be mutually agreed upon.

General law to apply.

24. The said Company shall be subject to the provisions of "*The Insurance Acts of* 1875 *and* 1877," and to all other general laws in force or which may hereafter be passed by the Parliament of Canada, respecting fire, marine, life, accident, and guarantee insurance companies.

No. 32.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act respecting the Montreal Assurance Company.

Received and read, first time, Thursday, 26th 1880.

Second reading, Friday, 27th February, 1880.

(PRIVATE BILL.)

Mr. GIROUARD, (Jacques Cartier.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1880

No. 32.] **BILL.** [1880.

An Act respecting the Montreal Assurance Company.

[*Reprinted as proposed to be amended in the Select Standing Committee on Banking and Commerce*]

WHEREAS the Montreal Assurance Company, incorporated under the Ordinance of the late Province of Lower Canada, chapter thirty-seven, passed in the Session held in the third and fourth years of the reign of Her present Majesty, as amended by the Acts of the late Province of Canada, chapters twenty-two and one hundred and twenty-one, passed respectively in the Sessions held in the sixth and thirteenth and fourteenth years of Her said Majesty's reign, have, by their petition, represented that they are desirous of continuing their corporate powers and existence; and whereas it is desirable to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The corporate existence of the said Company is hereby extended and continued beyond the first day of May, one thousand eight hundred and eighty, and the said Company, together with such persons as may hereafter become shareholders in the said Company, are hereby declared to be and shall be a body politic and corporate in law, in fact and in name, by the name and style of "The Montreal Assurance Company," for the purposes hereinafter set forth; and shall and may have perpetual succession, and shall be capable in law of contracting and being contracted with, and sueing and being sued, pleading and being impleaded in any court of law or equity in their corporate name aforesaid; and they and their successors shall and may have a common seal, and may change the same at their will and pleasure: Provided always, that nothing in this Act contained shall be construed in any manner to affect any contract, matter, or thing concerning the said Company otherwise than is herein expressed, or to affect any action, suit or proceeding commenced on behalf of or against the said Company at the time of the passing of this Act; but every such action, suit, or proceeding shall be carried on by or against the said Company hereby constituted, which is in such case for all such purposes substituted for the said original corporation; and all property, real or personal, debts, rights, claims and privileges heretofore belonging to or vested in the said original corporation, and all their interest in the same, shall be held by and are hereby vested in the said Company hereby

Corporation continued.

Corporate name and powers.

Proviso: certain rights saved.

Property transferred.

constituted, in the same manner, and with all such benefits and liabilities attaching to the same as existed at the time of the passing of this Act; and all the engagements made or entered into by or on behalf of the said original corporation shall continue to be valid and binding under this Act in favor of or against the said Company hereby constituted.

Capital stock and shares.

Increase.

2. The capital stock of the said Company hereby constituted shall be one million dollars, divided into ten thousand shares of one hundred dollars each, with the privilege to increase the same from time to time to any amount not exceeding two millions of dollars by a vote of the shareholders at any general or special meeting of shareholders called for that purpose; which said shares shall be and are hereby vested in the several persons who have subscribed or shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided, that upon every increase of the capital stock of the Company, the sum of at least five per cent. upon the amount of such increased capital shall be paid on subscribing.

Proviso.

Shareholders to have equal rights.

3. Aliens as well as British subjects, and whether resident in Canada or elsewhere, may be shareholders in the said Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors or otherwise in the said Company; but the major part of the directors shall at all times be persons resident in Canada and subjects of Her Majesty by birth or naturalization.

Calls on shares.

4. The shares of capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said directors shall appoint; no such instalment shall exceed ten per cent. of the sum subscribed; thirty days' notice of each call shall be given, and instalments shall not be made payable more frequently than once in three months:

Proviso.

Provided, that the said Company shall not be authorized to avail themselves of the privileges conferred by this Act otherwise than in accordance with the provisions of the several Acts of the Parliament of the Dominion relating to Insurance Companies.

Forfeiture of shares for non-payment of calls.

5. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the directors may, in addition to suing for the recovery thereof, declare such share or shares forfeited, together with the amount previously paid thereon, and the same shall thereupon become the property of the Company in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold, balloted, or otherwise held or disposed of on such terms, in such manner, and to such person or persons as the directors shall see fit, and any moneys arising therefrom shall be applied for the purposes of this Act.

What it shall be necessary to prove in actions for recovery.

6. In all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant, being the owner of such shares is indebted to

the said Company in such sum of money as the calls in arrear amount to for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the stock of the Company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls or any matters whatsoever other than what is before mentioned; a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the president or one of the vice-presidents, or the managing director or secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *primâ facie* evidence of such by-law, rule, regulation, minute or entry, without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Transfer of shares.

7. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may from time to time be fixed by the by-laws; and until the whole of the capital stock of the said Company is paid up, it shall be necessary to obtain the consent of the directors to such transfer being made: Provided always, that no shareholder indebted, whether for calls or otherwise to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the directors.

Liability of shareholders limited.

8. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities of the Company, but no further.

Board of directors.

9. The stock, property, affairs and concerns of the said Company shall be managed and conducted by a board of not less than five nor more than nine directors, as may be determined by by-law, who shall hold office until the next following general election of directors, and shall be elected, and all such elections shall be, by ballot; and the said directors (as soon as may be after the said election) shall proceed to elect one of their number to be the president, and one other to be vice-president of the Company; and if any vacancy should at any time occur amongst the said directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such an office.

Vacancies.

Provisional directors and their powers.

10. For the purpose of organizing the said Company, the Honorable Alexander Cross, one of the Judges of the Court of Queen's Bench for Lower Canada, Alexander Murray, Esquire, Matthew H. Gault, Esquire, M. P., Robert Campbell, Esquire, and William H. Murray, Esquire, all of the City of Montreal, shall be the

provisional directors thereof; and they or a majority of them may cause stock-books to be opened by giving due notice thereof by advertisement for two weeks in one or more daily papers published in the City of Montreal, upon which stock-books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Company; and such books shall be opened in the City of Montreal, and elsewhere, at the discretion of the said provisional directors, and shall remain open as long as they deem necessary, and the provisional directors are hereby authorized to receive from the shareholders a deposit of five per cent. on the amount of stock subscribed by them respectively: Provided always, that the present shareholders of the said original corporation shall for days after the opening of the said stock-books, but no longer, have a prior right to a rateable allotment of the said stock.

Provis: as to present shareholders.

First meeting of shareholders and proceedings thereat.

11. When and so soon as five hundred thousand dollars of the said capital stock shall have been subscribed, as aforesaid, and twenty per cent. of the amount so subscribed paid in, the said provisional directors shall call a general meeting of shareholders at some place to be named in the City of Montreal, giving at least ten days' notice thereof in two daily newspapers published in the said city, at which meeting the shareholders present in person or represented by proxy shall elect not less than five nor more than nine directors, as may be determined by resolution of the said meeting, in the manner and qualified as hereinafter provided, who shall constitute a board of directors, and hold office till the next annual meeting of the Company, which shall be held after six months thereafter.

Failure of election not to dissolve the company.

12. In case it should at any time happen that an election of directors of the said Company shall not be made on any day when pursuant to this Act it should have been done, the said Company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election at a special general meeting to be called for that purpose by the directors, who shall continue in office until a new election is made.

When company may commence business.

13. When and so soon as five hundred thousand dollars of the capital stock of the Company shall have been *bonâ fide* subscribed for, and one hundred thousand dollars thereof shall have been actually paid in and allotted to the "general branch" of the said Company as hereinafter set forth, but not before, the Company may commence the business of Fire and Marine Insurance under this Act.

14. Of the said capital stock of one million dollars, two hundred thousand dollars shall be applied solely to the "Guarantee Branch" of the said Company.

15. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed and allotted to the "Guarantee Branch" of the said Company,

and twenty thousand dollars paid in on account of the same, it shall be lawful for the said Company to commence the business of Guarantee Insurance under their charter.

16. The general business which the said Company is authorized to transact in fire and marine insurance, and the re-insurance of any risks thereunder, shall be established, maintained and prosecuted as a distinct branch of the business of the said Company, under the corporate name of the said Company, with the addition thereto of the words "General Branch."

17. The business which the said Company is authorized to transact in guarantee insurance, and the re-insurance of any risks thereunder, shall be established, maintained and prosecuted as another distinct branch of the business of the said Company, under the corporate name of the said Company with the addition thereto of the words "Guarantee Branch."

18. The capital stock of the said Company applicable to the said "General Branch" and "Guarantee Branch" may be increased by a two-thirds vote of the shareholders, at a general meeting specially called for that purpose, to one million of dollars and four hundred thousand dollars respectively.

19. The capital stock of the said Company so subscribed and allotted to the "General Branch" and "Guarantee Branch" respectively, shall be liable only for the expenses, losses and liabilities incurred by the branch to which the same has been allotted, and entitled only to the profits and claims arising in and proceeding from such branch.

20. The said Company shall maintain separate accounts of the stock subscribed and allotted, and of the business transacted by it, under the "General Branch" and "Guarantee Branch," and of the profits and claims, losses, liabilities and assets under each of the said branches respectively; and all investments made of such assets shall specify for which branch such investments are made, and shall be held for such branch solely.

21. The failure of the "General Branch" or "Guarantee Branch" to meet its obligations shall not necessitate the suspension of its business by the other branch, or subject such other branch to the other provisions of the Act respecting Insurance Companies, in relation to companies becoming insolvent.

22. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than thirty days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, Votes on shares.

Casting vote.

the chairman presiding at such meeting having the casting vote in case of an equality of votes, in addition to his own vote as a shareholder.

Proceedings at general meetings.

23. At the annual meeting of the shareholders the election of directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting; special general meetings of shareholders may be called in such manner as may be provided for by the by-laws: and at all meetings of the shareholders the president, or in his absence the vice-president, or in the absence of both of them, a director or shareholder chosen by the shareholders, shall preside, who in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder; at all meetings of directors all questions before them shall be decided by a majority of votes, and in case of an equality of votes the president, vice-president or presiding director shall give a casting vote, in addition to his vote as a director.

Business of the company. Fire insurance.

24. The said Company shall have power and authority to make and effect contracts of insurance in Canada, Great Britain, the United States of America, or any foreign State with any person or persons, body politic or corporate, against loss or damage by fire or lightning, on any house, store or other building whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations, and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon and set forth by and between the Company and the person or persons agreeing with them for such insurance; and the said Company, in like manner, shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, storm or tempest, or other peril of navigation, or from any other cause, of or to ships, boats, vessels or other craft navigating the oceans, lakes, rivers, or high seas, or other navigable waters, whatsoever, from any port or ports in Canada to any other port or ports in Canada, or to any ocean port or ports upon the oceans, lakes, rivers, or other navigable waters aforesaid, or from one foreign port to another foreign port, or from any foreign port or ports to any port or ports in Canada or elsewhere, upon all or any of the oceans, lakes, rivers and navigable waters aforesaid, and against any loss or damage of or to the cargoes, including live stock, or property conveyed in or upon such ships, vessels, boats or other craft, and the freight due or to grow due in respect thereof, or of or to timber or other property of any description conveyed in any manner upon any of the oceans, seas, lakes, rivers or navigable waters aforesaid, or on any railway, or stored in any warehouse or railway station, and generally to do all matters and things relating to or connected with fire and marine insurances as aforesaid; and also against all error, default, irregularity, misconduct, dishonesty, or malversation of clerks and employees of every description, depositaries, warehousemen, and all persons employed about the manage-

Marine insurance.

Life and guarantee insurance.

ment of the affairs of others, in whole or in part, or entrusted with their property, moneys, or effects, and to grant annuities, and to purchase reversionary interests, the whole for such premiums or considerations, and with such modifications, restrictions, and conditions as may be bargained or agreed upon or set forth, to make the same non-contestable, non-forfeitable or otherwise, and to grant all policies therein and thereupon; and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; and generally to do and perform all other necessary matters and things connected with and proper to promote these objects; and all policies or contracts of insurance issued or entered into by the said Company shall be signed by the president or one of the vice-presidents, and countersigned by the managing director or secretary, or otherwise, as may be directed by the by-laws, rules, and regulations of the Company, and being so signed and countersigned, shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

Annuities and reversionary interests.

Ré-insurance.

Policies, how signed.

25. The Company shall have power to acquire and hold such real estate not exceeding in annual value five thousand dollars, and to sell or dispose of the same and acquire other property in its place, as may be deemed expedient; and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bonâ fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owners thereof; and to retain the same for a period not exceeding ten years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or of any of the Provinces thereof or of any Foreign State or States, when required for the carrying on business in such foreign State—such investment in securities of foreign States not at any time to exceed *fifty* per cent. of the funds then invested,—or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, in such manner as the directors may elect; and may from time to time vary or sell the said securities, or mortgage or pledge the same from time to time as occasion may require.

Power to hold real estate.

Investment of funds.

26. The directors of the said Company hereby constituted shall have full power in all things to administer the affairs of the Company, and make or cause to be made, any description of contract which the Company may by law enter into; and may from time to time make by-laws not contrary to law or to this Act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment of calls, the cancellation or disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of divi-

Powers of the directors.

By-laws.

dends, the number of the directors, their term of service, the amount of their stock qualification, the appointment, functions, duties, and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration, and that, (if any) of the directors, the time and place where the annual and other meetings shall be held, the calling of meetings, regular and special, of the board of directors and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend or re-enact the same; but every such by-law and every repeal, amendment or re enactment thereof, unless in the meantime confirmed at a general meeting of the Company duly called for the purpose shall only have force until the next annual meeting of the Company, and in default of confirmation thereat, shall at and from that time only cease to have force: Provided always, that one quarter part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition notice as they may issue to that effect.

Confirmation thereof.

Proviso: special meeting may be called.

Head office and agencies.

27. The chief place of business of the Company hereby constituted shall be in the City of Montreal; and the said Company shall have full power and authority to comply with the laws of any Province, State or Country wherein it proposes to carry on business so far as such laws are not inconsistent with the provisions of this Act, or with the laws of Canada, and to appoint therein under the seal of the Company, local managers, agents, or other officers.

Company not bound to see to trusts.

28. The Company shall not be bound to see to the execution of any trust whether expressed, implied or constructive, to which any share or shares of its stock may be subject; and the receipt of the person in whose name any share stands shall be sufficient discharge to the Company for any money paid in respect of such share or shares, notwithstanding any trust to which they or any of them may be held subject, and whether or not the Company shall have had notice of such trust.

Penalty if dividend is declared when company is insolvent, &c.

How liability may be avoided.

29. If the directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable as well to the Company as to the individual shareholders and creditors thereof for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared do forthwith, or if any director then absent do within twenty-four hours after he shall have become aware thereof, and able to do so, enter in the minutes of the board of directors his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper

published at or as near as may be possible to the head office of the Company, such director may thereby and not otherwise, exonerate himself from such liability.

Company's guarantee may be accepted by Government.

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

Accounts of original company.

31. The said Company hereby constituted shall keep a separate account of the assets and liabilities of the said original Company, and shall with all possible diligence proceed to liquidate the same; and the surplus may from time to time, be rateably distributed among the shareholders of the said original Company, or the said Company hereby constituted may purchase from the shareholders all their rights and interest in the assets upon such terms and conditions as may be mutually agreed upon.

General law to apply.

32. The said Company shall be subject to the provisions of "*The Insurance Acts of* 1875 *and* 1877," and to all other general laws in force or which may hereafter be passed by the Parliament of Canada, respecting fire, marine, life, accident, and guarantee insurance companies.

No. 32.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act respecting the Montreal Assurance Company.

Reprinted as proposed to be amended in the Select Standing Committee on Banking and Commerce.

(PRIVATE BILL.)

Mr. GIROUARD,
(Jacques Cartier.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1880.

No. 33.] **BILL.** [1880.

An Act to amend and consolidate the Act incorporating "The Dominion Grange of the Patrons of Husbandry "of Canada."

WHEREAS certain parties have associated themselves together for some time past, under the name of "The Dominion Grange of the Patrons of Husbandry of Canada," having for their object the improvement of agriculture and horticulture, the sale and disposal of their productions, and the procuring of their supplies to the best advantage, the systematizing of their work, the discountenancing of a system of credit, the encouragement of frugality, and the intellectual, social and financial improvement and welfare of the members of the Association in the various Provinces of the Dominion; and whereas they have represented that their association would be more efficient in its operations should an Act be granted them, amending and consolidating the present Act of incorporation, conferring such powers as will enable them to accomplish the objects they have in view; and whereas they have prayed for an amendment to their said Act of incorporation, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:---- Preamble.

1. Squire W. Hill, Eli Hambleton Hilborn, William Pemberton Page, James Daly, Alfred Giffard, Amos J. Hughes, William Cole, Charles Drury, William Anderson, John Bell Aylesworth, Jabel Robinson, Stephen White, Levi R. Whitman, Charles McGibbon, James Manning, John Perkins Bull, John A. Dickson, Col. W. E. Starratt, W. J. Massey, Dennis Scully, and Oscar C. S. Ault, and other present members of the said Grange, and all other persons who may become members of the said Grange, are hereby constituted a body politic and corporate, under the name of "The Dominion Grange of the Patrons of Husbandry of Canada," for the purpose mentioned in the preamble to this Act. Certain persons incorporated. Corporate name.

2. It shall be lawful for the said Corporation to acquire and hold any personal property, and such real and immovable estate as they may require for actual use and occupation. Real estate.

3. It shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the property so acquired through its proper officers, under the constitution, rules and regulations of the said Corporation, and in the manner prescribed by the law of the Province in which such property is situated. Sale and disposal of property.

By-laws may be made.

4. The said Corporation, for the time being, shall have full power and authority to make, amend or repeal such constitution, rules, regulations and by-laws, not inconsistent with the laws of the Dominion or of the Provinces thereof, as they may deem expedient and necessary for the interests of the said Corporation, and for the admission of members thereof; and the constitution, rules, regulations and by-laws of the said "Dominion Grange of the Patrons of Husbandry of Canada," shall be and continue to be the constitution, rules, regulations and by-laws of the said Corporation, so far as the same are consistent with the laws of Canada and of the Provinces thereof, until the same are altered or repealed in the manner prescribed by this Act.

Application of funds.

5. All the funds and revenues of the said Corporation, from whatever source they may be derived, shall be devoted to the maintenance and carrying out of the objects for which the said Corporation is constituted, as the said Corporation may decide, according to the true intent and meaning of this Act.

Establishment of provincial and division granges.

6. The said Corporation shall have full power and authority under its corporate seal to institute one or more Provincial Grange or Granges of the Patrons of Husbandry, and also Division and Subordinate Granges, in each of the Provinces of the Dominion of Canada as now existing, and in every Province or Territory which may hereafter be formed and brought into the Dominion of Canada, and each such Provincial, Division, or subordinate Grange shall have all the powers, privileges and responsibilities conferred upon the said "Dominion Grange of the Patrons of Husbandry of Canada," by this Act, as to the holding and management of personal property and also of such real and immovable estate as they may require for actual use and occupation within the Province in which such Grange is situated, and also as to the making of such by-laws, rules and regulations not inconsistent with the laws of Canada, or of the Province within which such Grange is situated, or with the constitution, rules and by-laws of the said "Dominion Grange of the Patrons of Husbandry of Canada," as may be necessary for the carrying into effect the objects mentioned in the preamble to this Act.

Corporate name of such granges.

7. The said Corporation shall, on the institution of any such Provincial, Division, or subordinate Grange, designate the corporate name by which such Provincial, Division or subordinate Grange shall be known, and by which such Grange shall transact and carry on all business necessary for the carrying into effect the objects mentioned in the preamble to this Act, and also by which corporate name such Grange may sue or be sued, as hereinafter set forth.

Position of granges before Courts of law.

8. The said Corporation, or any Provincial, Division, or subordinate Grange, may by its corporate name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of law or

equity having jurisdiction over like cases between other parties.

Subject to Dominion Grange.

9. Each subordinate, Division, or Provincial Grange shall be subject to the constitution, rules and regulations made by the Dominion Grange for the general government of the whole Corporation, so far as the same are not inconsistent with the laws of Canada or of the Province under whose jurisdiction it is situated.

Revocation of charter of subordinate grange.

10. The Dominion Grange shall have power to revoke the charter instituting any subordinate, Division, or Provincial Grange for any violation of the constitution, by-laws, rules and regulations of the Dominion Grange, and when such charter is so revoked such Grange shall stand dissolved, except for the purpose of winding up its affairs, as hereinafter provided, unless such Grange is re-instituted by the Dominion Grange.

Liability.

11. The property of each subordinate, Division, or Provincial Grange, when instituted, shall alone be held responsible for the debts and engagements of such Grange.

Dissolution.

12. Any Division or Provincial Grange may be dissolved upon the agreement of a two-thirds vote of all its members, subject to the provisions hereinafter contained for the winding up of the affairs thereof; but no subordinate Grange can be dissolved so long as seven members in good standing object to such dissolution.

Application of funds in such case.

13. Upon the dissolution of any subordinate, Division, or Provincial Grange, its property shall first be applied to the payment of the debts of such Grange, and the remainder shall be equitably distributed amongst those who are members at the period of dissolution; but the corporate existence of such subordinate, Division or Provincial Grange shall be taken and considered to continue for the purpose of winding up its affairs until the same is completed.

Executive committee.

14. The affairs of the said Corporations or any one of them shall be managed by an executive committee of not less than three members, to be elected in accordance with the constitution of the said Corporation.

Provisional officers.

15. Until others are elected, according to the constitution and by-laws of the said Corporation, the present officers of the Dominion Grange shall be the said Eli Hambleton Hilborn, Worthy Master; William Pemberton Page, Secretary; John Perkins Bull, Treasurer; Alfred Gifford, John Bell Aylesworth, Jabel Robinson, Charles Drury and William Anderson, Executive Committee.

Annual general meetings.

16. The general meetings shall be held once in every year at such time and place as the said Corporation may from time to time determine at their annual meetings; but should the members of the said Corporation fail or neglect at any of the annual meetings to appoint a time and place for

Notice.

the next annual meeting, the said executive committee shall appoint such time and place ; and the secretary of such Corporation shall, at least thirty days before such annual meeting, notify the secretary of each Provincial Grange of such annual meeting. Special meetings may be called as provided by the constitution.

Recovery of subscriptions, &c.

17. All subscriptions, dues and assessments due to the Corporation under its constitution and by-laws may be recovered in any court of competent jurisdiction, but any member may withdraw from the said association at any time on the payment of all assessments due by him to the Corporation, inclusive of his subscription for the year then current, after which he shall have no claim or demand of any kind against the Corporation.

Existing granges confirmed.

18. All subordinate and Division Granges organized previous to the passing of this Act and which are now acknowledged to be in good standing in accordance with the constitution, rules and regulations of the Dominion Grange, shall be deemed corporate bodies, having all the powers and privileges conferred by this Act.

Return to Governor in Council.

19. The Corporation shall at any time when required to do so by the Governor in Council make a return of all their property, real and personal, and of all their receipts and expenditures for such period of time, with such other information relating to the Corporation as it may be in their power to communicate.

No. 33.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend and consolidate the Act incorporating "The Dominion Grange of the Patrons of Husbandry of Canada."

Received and read, first time, Thursday, 26th 1880.

Second reading, Friday, 27th February, 1880.

(PRIVATE BILL.)

Mr. McCallum.

OTTAWA:

Printed by MacLean Roger & Co.,

1880.

No. 34.] **BILL.** [1880.

An Act to incorporate the Farmers and Real Property Bank of Canada.

WHEREAS the persons hereinafter named and others by their petition have prayed that they may be incorporated for the purpose of establishing a Bank or Association, with the special view of assisting the farmers of the country and for other purposes, with the head office in Toronto, and having the privileges and powers of a bank and otherwise as hereinafter limited, defined and expressed, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. A. L. Wilcox, Anthony Metcalf, Henry Trull, George Edwards, James Beaty, jr., J. A. Livingston, J. P. Bull, Joseph McCausland, William Bull, M.D., A. R. Boyle, M.D., William J. Hill, J. W. Cheeseworth, Thomas Holtby, W. J. Massey, Peter Graham, John Rowsey, P. Patterson, John Garbutt, J. E. Gould, W. L. Staples, William Bell, James Dow, jr., Ketchum Graham, John D. Kerechtel, S. Pritchard, Alexander McLaren, Joseph Grierson and such others as shall become shareholders in the corporation hereby created, and their respective executors, administrators and assigns, shall be and they are hereby constituted and declared to be a corporation, body corporate and politic, in fact and in name, under the name and style of the "Farmers and Real Property Bank of Canada," and as such shall have perpetual succession and a common seal, with power to break, change and alter the same at pleasure, and with the powers and privileges hereinafter mentioned. Certain persons incorporated. Corporate name.

2. The capital stock of the said Bank shall be five millions of dollars, divided into fifty thousand shares of one hundred dollars each. Capital stock.

3. Of the said persons above named James Beaty, jr., J. P. Bull, J. A. Livingston, Thomas Holtby, W. J. Massey, Peter Graham, John Rowsey, John Garbutt, J. E. Gould, W. L. Staples, Joseph McCausland, William Bell, James Dow, jr., William Bull, M.D., and Ketchum Graham, shall be provisional directors for the purpose of organizing the said Bank, and they, or a majority of them, may cause stock books to be opened at such times and places as they, or a majority of them, shall think expedient, after giving two weeks' notice thereof in one or more newspapers published in the city of Toronto, upon which stock books shall and may be recorded the subscriptions of such persons as shall desire Provisional directors and their powers.

to become shareholders in the said Bank; and such books shall be kept open at the discretion of the said provisional directors, or a majority of them, so long as they shall deem it necessary.

First meeting of shareholders.

4. When and so soon as dollars of the said capital stock shall have been subscribed as aforesaid and per cent. of the amount paid in, the said provisional directors may call a general meeting of the shareholders at some place to be named in the City of Toronto, giving at least ten days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city; at which general meeting the shareholders present in person or represented by proxy shall elect directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors and shall hold office until the first Wednesday in January in the year following their election; Provided that the said Bank shall not commence business until at least dollars of its capital stock shall have been paid up.

When business may be commenced.

Shares, how payable.

5. The shares in the said Bank shall be payable in instalments or monthly subscriptions, or in gross as may be fixed by rule or by-law, and as may be arranged with the several shareholders.

Qualification of directors.

6. Two-fifths of the Directors shall hold at least two thousand dollars "cash stock" in the Bank fully paid up, and three-fifths of the Directors shall hold at least three thousand dollars "land stock" in the Bank or partly "cash stock" and partly "land stock" and such "land stock" Directors shall also have a majority of the "land stock" shareholders present in person or represented by proxy at the meeting at which the election of Directors takes place; the number of Directors of the said Bank shall be subject to be increased or diminished from time to time by by-law to be passed as provided in the section of this Act.

Their number.

Increase of capital stock.

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

Property vested in the bank,

8. All real and personal estate, property and effects, and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the corporation shall be vested in the said Bank in its corporate name for the use of the corporation and the respective members thereof, according to their respective claims and interests, and for all purposes of bringing or defending actions or suits, and all other purposes.

Successors may be nominated.

9. Any member, shareholder, investor or depositor in the said Bank having a sum of money invested in or on deposit therein, may from time to time nominate any person or persons as successor or successors, at the death of such member, shareholder, investor or depositor, provided that such nomination is made in writing and duly deposited with the Secretary or Manager of the Bank; and upon receiving a statutory declaration of the death of the nominator, the Bank shall substitute the name of the nominee on its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased investor or depositor: Provided always, that nothing in this section shall prevent the transference of the regular shares of the Bank in the manner in which such shares are usually transferred.

Ordinary transfer.

Allotment of unsubscribed stock.

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

Commencement of business.

11. No notes shall issue, nor shall business be commenced until dollars have been *bonâ fide* subscribed and have been *bonâ fide* paid up or deposited in the hands of the Government of Canada, nor until a certificate to that effect shall have been obtained from the Treasury Board, which certificate shall be granted by the Treasury Board when it is found to their satisfaction that such amount of capital has been *bonâ fide* paid up; and if at least thousand dollars of the subscribed capital has not been paid up befo e the Bank shall have commenced business, such further amount as shall be required to complete the said sum shall be called in and paid up within two years thereafter.

Amount o notes in circulation limited.

12. The amount of notes intended for circulation issued by the Bank, and outstanding at any time, shall never exceed the amount of its unimpaired paid up capital, and also one-half of the unpaid stock secured by real estate as as herein provided, and no such note for a less sum than one dollar shall be issued or re-issued by the said Bank.

Notes to be received in payment.

13. The Bank shall always receive in payment its own notes at par at any of its offices, and whether they be made payable there or not, but it shall not be bound to redeem them in specie or Dominion notes at any place other than where they are made payable.

Dividends not to impair capital.

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

Reserve fund to be formed.

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

Statement to be laid before Parliament.

16. A certified list of shareholders, with their additions and residences, and the number of shares they respectively hold, and a full and clear statement of the assets and liabilities of the Bank on the day of the date thereof, shall be laid before Parliament within fifteen days after the opening of each session thereof, and such statement shall contain among other things:

(1) The amount of stock subscribed.
(2) The amount paid in on such stock.
(3) The amount borrowed for purposes of investment, and the securities given therefor.
(4) The amount invested and secured by mortgage deeds
(5) The value of real estate under mortgage.
(6) The amount of mortgages overdue and in default.
(7) The amount of mortgages payable by instalments.
(8) The value of real estate of which the title is in the Bank.
(9) The amounts of unpaid stock, and the estimated value of the real estate in security therefor under this Act.

To be attested under oath,

And such statement shall be attested by the oath, before some Justice of the Peace, or Commissioner for taking affidavits in any Courts, of two persons, one being the President, Vice-President, Manager or Secretary, and the other the Manager or Auditor of the Bank, each of whom shall swear distinctly that he has such quality or office as aforesaid, that he has had the means of verifying and has verified the statement aforesaid, and found it to be exact and true in every particular, to the best of his knowledge and belief, that the property under mortgage has been set down at its true value, to the best of his knowledge and belief, and that the amount of the shares, deposits and debentures issued and outstanding, as he verily believes, is correct; and such statement shall be published by

And published.

the Minister of Finance in such manner as he shall think most conducive to the public good; and for any neglect to transmit such statement in due course of post within five days after the day to which it is to be made up, a penalty of one hundred dollars *per diem* shall be incurred and shall be payable to the Bank by the officer through whose laches the delay has taken place.

Penalty for neglect.

17. Monthly returns shall be made by the Bank to the Government within the first ten days of each month, and shall exhibit the condition of the Bank on the last judicial day of the month preceding, and such monthly returns stating the assets and liabilities shall be signed by the President or Vice-President, or the Director then acting as President, and by the Manager, Cashier, or other principal officer of the Bank, at its chief seat of business.

Monthly returns to Government.

18. The Bank shall always hold, as nearly as may be practicable, one-half of its cash reserves in Dominion notes, and the proportion of such reserves held in Dominion notes shall never be less than one-third thereof.

Cash reserves how held.

19. The said Bank shall be exempt from the tax now imposed on the average amount of notes in circulation in the case of certain Banks.

No tax on notes.

Internal Regulations.

Shares and Shareholders.

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

Where shares may be subscribed.

21. The shares of the capital stock of the Bank shall be known as of two kinds,—as "cash stock," being the paid-up capital stock, and the "land stock," being the stock unpaid and secured by land as herein provided, and shall be held and adjudged to be personal estate and shall be assignable and transferable at the chief place of business of the Bank, or at any of its branches which the Directors shall appoint for that purpose, and according to such forms as the Directors shall prescribe; and a list of all transfers of shares, registered each day in the books of the Bank, shewing the party to such transfers and the number of shares transferred in each case, shall be made at the end of each day and kept at the Chief Office of the Bank for the inspection of its shareholders; and the transmission of shares otherwise than by transfer shall be proved in such manner as the Directors

Capital to be "cash stock" and "land stock."

Transfers.

Transfer of land stock to be registered.

may require; and in each case of transfer of "land stock," and within ten days thereafter notice thereof shall be given to the Registrar of the Registration Division in which the lands affected lie, and such transfer shall be written across the original registration in distinct writing and differently colored ink.

Bank not bound to see to trusts.

22. The Bank shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the shares of its stock shall be subject

Votes on shares.

Proxies.

23. Each shareholder shall, on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least thirty days before the time of meeting. Shareholders may vote by proxy, but no person but a shareholder shall be permitted to vote or act as such proxy, and no officer of the Bank shall vote either in person or by proxy. All questions proposed for the consideration of the said shareholders shall be determined by a majority of their votes, the Chairman, in case of a tie, having a casting vote; and in all such cases the voting shall be by ballot.

By-laws may be made and for what purposes.

24. The shareholders shall have power to regulate by by-law the following matters incident to the management and administration of the affairs of the Bank, viz:—

The qualification and number of the Directors.

The method of filling up vacancies in the Board of Directors whenever the same may occur during each year.

The remuneration of the President, Vice-President and other Directors.

The closing of the transfer book before the payment of each semi-annual dividend, and

The number of shares to be held by each Director.

Calling of special general meetings.

25 Any number not less than of the shareholders of the Bank, who together may be proprietors of at least one-tenth of the paid up capital stock of the Bank, or who may represent at least one twentieth of the unpaid stock secured as aforesaid, by themselves or by their proxies, or the Directors of the Bank or any four of them, shall have power at any time to call a special general meeting of the shareholders of the Bank, to be held at their usual place of meeting, upon giving six weeks' previous public notice specifying in such notice the object of such meeting.

Rules and by-laws may be made.

26. The shareholders may from time to time make such rules or by-laws for the government of the Bank as the majority of such shareholders assembled in general or special meeting shall deem meet, and may impose and inflict such reasonable fines, penalties and forfeitures upon the several members infringing such rules as the majority of the shareholders think fit, and the same shall be respectively applied to such uses for the benefit of the Bank as by such rules shall be directed; and they may also from time to time amend or rescind such rules or by-laws, and make rules or by-laws in lieu thereof as may to them seem meet.

27. The rules or by-laws shall be recorded in a book to be kept for that purpose, and the said book shall be open at all reasonable times for the inspection of the shareholders, and the said rules or by-laws shall be binding on the several shareholders and officers of the Bank and they shall be deemed to have full notice thereof by such record. To be recorded.

28. No shareholder shall be liable for or charged with the payment of any debt or demand due by the Bank beyond the extent of his shares in the stock of the Bank not then paid up. Liability of shareholders limited.

President and Directors.

29. The stock, property, affairs and concerns of the Bank shall be managed by a Board of Directors, the number to be fixed as herein provided, who shall choose from among themselves a President and a Vice-President; the Directors shall be natural-born or naturalized subjects of Her Majesty, and shall be elected on such day in each year as may be or may have been appointed by the charter or by any by-law of the Bank, and at such time of the day, and at such place where the head office of the Bank is situate, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the Directors by publishing the same for at least four weeks in a newspaper of the place where the said head office is situate, previous to the time of holding such election; and the election shall be held and made by such of the shareholders of the Bank as have paid all calls made by the Directors and as shall attend for the purpose in their own proper persons or be represented by proxy. All elections of Directors shall be by ballot, and the said proxies shall only be capable of being held and voted upon by shareholders then present, and the persons to the number as fixed by by-law as hereinbefore provided who have the greatest number of votes at any election shall be Directors; and in case of a vacancy occurring in the number of Directors, such vacancy shall be filled in the manner provided by the by-laws or rules, but the non-filling of the vacancy shall not vitiate the acts of a quorum of the remaining Directors; and if the vacancy so created shall be that of President or Vice-President, the Directors, at the first meeting after a completion of their number, shall from among themselves elect a President or Vice-President, as the case may be, who shall continue in office for the remainder of the year; and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot two of their number to be President and Vice-President; Provided always, that no person shall be eligible to be or continue a Director unless he shall hold in his name and for his own use, stock in the said Bank to the amount hereinbefore provided. Election of board of directors. Vacancies, how filled. Qualification.

30. The powers of the Directors shall be declared by the rules or by-laws, and they shall continue to act as herein-before provided and as shall be further provided in the rules or by-laws, and all acts and orders of such Directors shall have the like force and effect as the acts and orders of the Powers of directors.

Proviso: as to calls.

Bank in general meeting assembled; Provided that the Directors shall have power to make such calls from the several shareholders for the time being upon the shares subscribed for in the Bank by them respectively, as they may find necessary, and to enforce the same by action and forfeiture.

Statement of affairs to be submitted.

31. At every annual meeting of the shareholders for the election of Directors, the out-going Directors shall submit a clear and full statement of the affairs of the Bank, containing *on the one part* the amount of the capital stock paid in, the amount of notes of the Bank in circulation, and net profits made, the balances due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest and those not bearing interest.

As to books, &c.

32. The books, correspondence and funds of the Bank shall at all times be subject to the inspection of the Directors.

Powers, &c., of the Bank.

Real estate.

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

Promissory notes.

34. The Bank shall not discount promissory notes or bills' nor take any personal security in pledge for advances except as herein provided, and excepting always the promissory notes of farmers the proceeds which are intended to be used for farming purposes and so stated on the face of the note or bill which may be discounted by the Bank.

Mortgages on real estate.

35. The Bank shall take mortgages on real estate for money advanced at interest, whether repayable in one sum or in instalments of principal and interest, separately, or partly principal and partly interest, or at one time or during a term of months or years.

Mortgages may be bought.

36. The Bank may buy mortgages on real estate or discount mortgages already made at such rates and on such terms as may be agreed upon.

Warehouse receipts, &c., may be bought.

37. The Bank may buy warehouse, factory, granary, barn, house, grain or farm stock receipts, and the produce or products of all kinds represented thereby, whether of farms, mines, forests or fisheries, whether raw or manufactured, or may lend money thereon at interest, or may vary the same as the produce or articles may be sold or released, or may take bonds to accompany the same in lieu of promissory notes or promissory notes or bills or undertakings as may be deemed most convenient and safe; and loans in such cases shall not exceed one-half the the estimated value of the security given.

Issue of notes.

38. The Bank may issue currency, as banks now issue currency, or based on security deposited with the Govern-

ment and limited accordingly, and guaranteed by the Government of Canada.

Debentures may be issued.

39. When and so soon as is paid up, or securities to the amount of are deposited with the Government, the Directors of the Bank may issue debentures of the said Bank to such an amount as, with all the other liabilities of the said Bank, will be equal to the amount of the capitalized stock and the reserve fund of the said Bank and also one-half of the estimated value of the "land stock" or stock unpaid and secured by land as herein provided.

Certain securities may be bought.

40. The Bank may purchase Dominion, Provincial, municipal or school trustee or corporation debentures or bonds, or the debentures or bonds or stocks or securities of any kind of any bank, railway, fire or life insurance company or association, or of any building society, or of any loan and savings company, or of any other incorporated company, or may lend money on the stock of such companies or on such bonds and debentures aforesaid.

Public lands.

41. The Bank may buy public lands and hold the same for a period not exceeding twenty-five years, and may sell the same in whole or in parcels and on such terms as may be agreed upon.

Exchange.

42. The Bank may draw exchange on the usual principles of bank exchanges, and may buy and sell the same, and may deposit part of the gold basis required by law in the case of Banks in foreign or other Banks to meet the exigencies of exchange abroad.

Charge on land may be created.

43. The Bank may charge or create a lien in its favor on the farm or other real property designated in the certificate for registration of the subscribers to stock or shares in the Bank for the amount of such stock or shares, or such portion thereof as may remain from time to time unpaid, and may register such certificates of stock in the Registry Office on the lands named therein as such charge or lien, and may mortgage, discharge, or release the said land or part thereof, as and when the stock is paid up, and the subscribers may sell their interest in and transfer the said land subject to such charge or lien; and the Bank may sell, mortgage, or pledge and transfer the said charge, lien or land for money borrowed or otherwise; and such stock shall be known as the "land stock" of the Bank, and the Registrars in each case of registration of certificates of "land stock" shall be entitled therefor to fifty cents, and to each registration of transfer or pledge thereof to twenty-five cents, and no more.

Sale of lien or land.

Provision for amalgamation.

44. The Bank may unite, amalgamate and consolidate with itself the stock, property and business, and franchises of any other Bank or Building or Saving or Loan Society incorporated or chartered under special or general Acts, and may enter into all contracts and agreements necessary to such union and amalgamation.

Agreement to be entered into.

45. The Directors of the Bank and the Directors of any Bank or Society proposing so to amalgamate or consolidate as aforesaid, may enter into a joint agreement under the corporate seals of each of the said corporations for the amalgamation and consolidation of the said corporations with the said Bank, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the new Directors and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when, and for how long Directors and other officers of such new corporations shall be elected, and when elections shall be held, with such other details as they deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof.

To be submitted to shareholders.

46. Such agreement shall be submitted to the shareholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meeting or meetings, and the object thereof, shall be given by written or printed notices, addressed to each shareholder of the said corporations respectively, at his last known Post Office address, or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of such corporations, once a week for two successive weeks.

Vote upon the same.

47. At such meetings of shareholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, and each share shall entitle the holder thereof to one vote, and the said ballot shall be cast in person or by proxy, and two-thirds of the votes shall be decisive for or against the agreement.

Amalgamation and results thereof.

48. Upon the making and perfecting of the said agreement and act of consolidation, the several associations shall be deemed to be consolidated and to form one corporation, by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges and franchises, and be subject to all the liabilities and debts of each of such corporations so consolidated and united; and the business, property, real and personal, and mixed, and all interests appurtenant thereto, all stock, mortgages, or other securities, subscriptions and other debts due on whatever account and other things in action belonging to such corporation or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed.

General powers.

49. The Bank or any such corporation aforesaid amalgamated with the said Bank, shall have all the usual powers of Banks and Building Societies and Loan and Savings Com-

panies, established under general Acts of the Dominion of Canada, *or of the Province of Ontario*, which are not inconsistent with this Act.

Head office.

50. The head office of the said Bank shall be in the City of Toronto, but the Directors of the said Bank may establish branches or agencies at any point in the Dominion, or in other countries.

Forms in schedules may be used.

51. The schedules following are the forms of certificate for "land stock" marked A., and form of release thereof marked B., and the same or forms to the like effect may be used under this Act; and all registrations thereof shall have the same effect as registrations of mortgages and transfers and discharges thereof, under the Registry Acts in force, where the same are registered; and the Bank may sell, mortgage, or pledge, or discharge, or convey the same, and holders may also sell, mortgage, and pledge the same, and shall have all remedies at Law and in Equity as in case of any charge or lien on land as the rights and liabilities may appear.

SCHEDULE A.

CERTIFICATE.

The Farmers and Real Property Bank of Canada certify that is a shareholder in the said Bank to the amount of and the following land namely, (*describe the same clearly*) is subject to the charge and lien for the said sum of pursuant to the Act incorporating the said Bank, and that there has been paid thereon the sum of

---

SCHEDULE B.

TRANSFER AND SALE.

The Farmers and Real Property Bank of Canada,
I hereby transfer and assign all my interest in and to the stock set forth in the certificate issued to me by the said Bank, number , and charging all the land following, that is to say

---

SCHEDULE C.

The Farmers and Real Property Bank of Canada hereby certify that has satisfied all money due on certificate for land stock herein number and registered in the Registry Office in and numbered in the Registry Office, and that the said land is released from all claims of the said Bank thereon, or on so much thereof as is herein particularly described.

No. 34.

2nd Session, 4th Parliament, 43 Victoria, 1878.

BILL.

An Act to incorporate the Farmers and Real Property Bank of Canada.

Received and read the first time, Thursday, 26th February, 1880.

Second reading, Friday, 27th February, 1880.

(PRIVATE BILL.)

Mr. CAMERON,
(Victoria.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 35.] **BILL.** [1880.

An Act respecting the Niagara Grand Island Bridge Company.

Preamble.

WHEREAS the Niagara Grand Island Bridge Company and its Provisional Directors have, by their petition, prayed for the passing of an Act to extend the time limited for the commencement and completion of their undertaking, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time extended.

1. The periods limited by the Act thirty-seventh Victoria, chapter seventy-seven, incorporating the Niagara Grand Island Bridge Company, as amended by the Act fortieth Victoria, chapter sixty-four, for the commencement and completion of its undertaking, are hereby extended as follows: the works authorized by the said Act shall be commenced within three years and completed within six years from the passing of this Act.

No. 35.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act respecting the Niagara Grand Island Bridge Company.

Received and read, first time, Thursday, 26th February, 1880.

Second reading, Friday, 27th February, 1880.

PRIVATE BILL.

Mr. BUNTING.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.

1880.

No. 36.] **BILL.** [1880

An Act to authorize the Corporation of the Town of Emerson to construct a Free Passenger and Traffic Bridge over the Red River in the Province of Manitoba

Preamble.

WHEREAS the construction of a free bridge over the Red River, a navigable river, at the Town of Emerson in the Province of Manitoba, will greatly tend to promote the welfare and intercourse of the inhabitants of the said Town and the country to the west thereof, and will provide a market easy of access to such inhabitants west of the said Town, and tend to the convenience of the public generally; and whereas the Municipal Council of the said Town of Emerson has, by a petition under its corporate seal presented by the said Council for that object, prayed to be authorized to construct a free bridge over the said Red River at the place above mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Bridge may be built at Emerson.

1. The said Municipal Corporation of the said Town of Emerson is hereby authorized to erect and construct, maintain and manage, at its own cost and expense, a solid and sufficient free bridge for ordinary carriage and passenger traffic over the Red River at such point in the said Town of Emerson as the Municipal Council thereof shall deem proper, together with all necessary dependencies and approaches, as well as to do all other matters and things, as shall be necessary, useful or advantageous, for erecting, constructing, keeping up, maintaining and managing the said intended bridge and other dependencies, according to the true intent and meaning of this Act.

Site and plans to be approved by Governor-in-Council.

2. The said Corporation shall not commence the erection of the said bridge, nor of any work thereto appertaining, until it shall have submitted to the Governor in Council plans of the said bridge and of all intended works thereunto appertaining, nor until such plans and the site of the said bridge shall have been approved by the Governor in Council, and such conditions as the Governor in Council shall have thought fit to impose for the public good touching the said bridge and works, shall have been complied with, nor shall any such plan be altered, nor any deviation therefrom be allowed, except by the permission of the Governor in Council, and upon such conditions as the Governor in Council may impose.

Powers as to real property.

3. For the purpose of erecting, building, maintaining and supporting the said bridge, the said Corporation shall, from time to time, have full power and authority to purchase,

acquire, hold and take all land, land covered with water, beaches and other property, on either side of the said river, as may be necessary to build, construct and maintain the said bridge, and with the consent of the Governor in Council may take possession of, hold, use and occupy any lands vested in Her Majesty, which may be necessary for the undertaking.

Swing or draw bridge to be constructed.

4. The said bridge shall be so constructed as not materially to obstruct the navigation of the Red River, and the said bridge shall have a swing or draw in the main channel of the said river, which said swing or draw shall be of the width of at least forty feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river, and during the season of navigation suitable lights shall be maintained, if necessary, upon the said bridge to guide vessels approaching the said swing or draw during the night, and the use of the said bridge shall be subject to such regulations as shall be from time to time approved of by the Governor in Council; Provided always, that during the construction of the said bridge the navigation of the said river shall not be unnecessarily obstructed by the work, and that proper precautions shall be taken to guide vessels approaching the said works during the night.

Lights.

Proviso: precautions as to navigation.

Rights of Manitoba saved.

5. Nothing in this Act shall authorize any interference with the rights or privileges belonging to or within the exclusive jurisdiction of the Legislature of the Province of Manitoba.

Limitation of time.

6. The said bridge shall be commenced within two years and completed within four years from the passing of this Act.

No. 36.

2nd Session, 4th Parliament, 41 Victor

BILL.

An Act to authorize the Corpora
Emerson, in the Province of Ma
to construct a Free Traffic
across the Red River at Emers

Received and read, first time, Thursd
February, 1880.

Second reading, Friday, 27th Februar

PRIVATE BILL.

Mr. Rc

OTTAWA:
Printed by MacLean, Roger & Co., Wellingt
1880

Reprinted

No. 37. **BILL.** [1880.

An Act further to amend "The Supreme and Exchequer Court Act."

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

Court to have certain powers as to amendments and further evidence. **1.** The Supreme Court shall have all the powers and duties as to amendments and otherwise of the Court from which the appeal is had, together with full discretionary power to receive further evidence upon questions of fact, such evidence to be either by oral examination in court, by affidavit, or by deposition taken before any person whom the Court may nominate.

Further evidence in certain cases without special leave. **2.** Such evidence may be given without special leave upon interlocutory applications, or in any case as to matters which have occurred after the date of the decision from which the appeal is brought.

But on leave only in appeals from decree or judgment on the merits. **3.** Upon appeals from a decree or judgment upon the merits, such further evidence (save as aforesaid) shall be admitted on special grounds only, and not without the leave of the Court.

Court may prescribe terms in granting leave. **4.** Such amendments may be made and such evidence admitted on such terms as to the payment of costs or otherwise as to the Court may seem right.

No. 37.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act further to amend "The Supreme and Exchequer Court Act."

Received and read, first time, Thursday, 26th February, 1880.

Second reading, Friday, 27th February, 1880.

Mr. McCarthy.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,

1880.

No. 37.] **BILL.** [1880.

An Act further to amend "The Supreme and Exchequer Court Act."

[*Reprinted as proposed to be amended in Committee of the Whole.*]

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

1. At any time during the pending of any appeal before the Supreme Court, the Court or a Judge thereof may upon the application of any of the parties, or without any such application, make all such amendments as may seem necessary for the advancement of justice, the prevention and redress of fraud, the determining the rights and interests of the respective parties and of the real questions in controversy between them and best calculated to secure the giving of judgment according to the very right and justice of the case. Necessary amendments may be made pending appeal.

2. Any such amendment may be made whether the necessity for the same is or is not occasioned by the defect, error, act, default or neglect of the party applying to amend. At whose instance amendment may be made.

3. All such amendments shall be made upon such terms as to payment of costs, postponing the hearing and otherwise, as to the Court or Judge ordering the same to be made seem just. As to costs, &c.

4. All such amendments as may be necessary for the purpose of determining the existing appeal or the real question or controversy between the parties, as described by the pleadings, evidence, or proceedings, shall be so made. Amendments necessary for determining appeal to be so made.

2. Section twenty-two of the Act intituled "*The Supreme and Exchequer Court Act*" is hereby repealed. Sect. 22 of 38 V., c. 11, repealed.

3. This Act may be cited as "*The Supreme and Exchequer Court Amendment Act* 1880" Short title.

No. 37.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to further amend "The Supreme and Exchequer Court Act."

(Reprinted as proposed to be amended in Committee of the Whole.)

Mr. McCarthy.

OTTAWA:

Printed by MacLean, Roger & Co.,

1880.

No. 38.] **BILL.** [1880.

An Act to amend the Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law.

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

1. Section twelve of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act respecting Procedure in Criminal Cases "and other matters relating to Criminal Law,*" is hereby repealed, and the following section is substituted therefor: Sect. 12 of 32, 33 Vict., c. 29, repealed and new section substituted.

"12. No Court of General or Quarter Sessions, Recorder's "Court, or Judge of a County Court under the Act intituled "'*An Act for the more speedy trial in certain cases of persons "charged with felonies or misdemeanors in the Province of "Ontario and Quebec,*' nor any court but a Superior Court "having criminal jurisdiction, shall have power to try any "treason, any felony punishable with death, any homicide, "any offence charging an attempt to murder, or any libel." Certain courts not to try certain offences.

No. 38.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act respecting Procedure in Criminal Cases and other matters relating to Cri nal Law.

Received and read first time, Thursday, 6th February, 1880.

Second reading, Friday, 27th February, 1880.

Mr. McCarthy.

OTTAWA.

Printed by MacLean, Roger & Co.

1880.

No. 39.] **BILL.** [1880.

An Act to incorporate the "Montreal and Province Line Railway Company."

WHEREAS the construction of a railway as hereinafter set forth would be of general advantage to the Dominion of Canada, and whereas a petition has been presented praying for the passing of an Act to incorporate a Company for constructing the same, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The Montreal and Province Line Railway is hereby declared to be a work for the general advantage of Canada. Declaratory.

2. Daniel McFarlane, Esquire, John Younce, Esquire, W. B. Johnson, Esq., Alexander Cameron, Esquire, M.P.P., Thomas Gebbie, Esquire, John Symons, Esquire, J. M. Browning, Esquire, J. H. Camp, Esquire, G. B. Phelps, Esquire, Willis Phelps, Esquire, D. D. Warren, Esquire, Dexter Van Astran, Esquire, J. P. Wiser, Esquire, M.P., and the Honorable William Henry Brouse, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and they are hereby constituted a body corporate and politic, by the name of the "Montreal and Province Line Railway Company," and the words "The Company" when used in this Act shall mean the "Montreal and Province Line Railway Company" hereby incorporated. Certain persons incorporated. Corporate name.

3. The Company, their agents and servants, may lay out, construct, equip, maintain, and work, a continuous double or single track iron or steel railway, of a gauge of four feet eight and one-half inches, and also a telegraph line throughout the entire length of such railway, with the proper appurtenances, from or near a point opposite the City of Montreal, in the Province of Quebec, and thence westerly to a point on the boundary line between the said Province and the State of New York, one of the United States of America, at or near Fort Covington, in the said State of New York, to connect with a line of railway in the said State to or near the Town of Potsdam, in the said state, and form an extension of or connection with the "Rome, Watertown and Ogdensburgh Railway Company," with power to build branch lines connecting with any railway crossing the River St. Lawrence at or near the City of Montreal, or at or near Coteau Landing, or at any point between the said City of Montreal and the said boundary line. The Company shall also have power to build, own, and operate steam and Business and powers of the company. Line of Railway. Branch lines. Steam and other vessels.

other vessels in connection with the said railway, and to maintain and operate a steam or other ferry between the eastern terminus of the railway of the Company and the City of Montreal.

Capital stock and shares.

4. The capital of the Company shall be one million dollars, and shall be divided into shares of one hundred dollars each, but may be increased from time to time by vote of the majority in value of the shareholders present in person or represented by proxy at any meeting specially called for the purpose, to an amount not exceeding two million dollars.

Company may receive grants in aid.

5. It shall be lawful for the Company to receive, either by grant from Government or from any individuals or corporations, municipal or otherwise, as aid in the construction of the said Railway, any vacant lands or any other real or personal property, or any sums of money, either as gifts or by way of bonus, or in payment of stock, and legally to dispose of the same, and to alienate the lands and other real or personal property for the purposes of the Company.

Provisional directors and their powers.

6. Daniel McFarlane, Esquire, John Younce, Esquire, W. B. Johnson, Esquire, Archibald Cameron, Esquire, M.P.P., Thomas Gebbie, Esquire, John Symons, Esquire, J. M. Browning, Esquire, J. H. Camp, Esquire, G. B. Phelps, Esquire, Willis Phelps, Esquire, D. D. Warren, Esquire, Dexter Van Astran, Esquire, J. P. Wiser, Esquire, M.P, and the Honorable William Henry Brouse, are hereby constituted a board of provisional directors of the Company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to open stock-books, and procure subscriptions for the undertaking, and to receive payment on stock subscribed.

First meeting of shareholders and proceedings thereat.

7. When and so soon as one-tenth part of the said capital stock shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed paid in, the said provisional directors, or a majority of them, may call a meeting of the shareholders at such time and place in the City of Montreal as they shall think proper, giving at least two weeks' notice thereof in the *Canada Gazette*, and in one or more newspapers published in the City of Montreal and in the Village of Huntingdon, and by a circular letter mailed to each shareholder, at which said meeting the shareholders present in person or represented by proxy shall elect fifteen directors in the manner and qualified as hereinafter provided; which said directors shall constitute a board of directors, and shall hold office until the first Wednesday in the month of February in the year following their election.

Annual general meeting.

8. On the said first Wednesday in the month of February in the year next following, and on the first Wednesday in the month of February in each year thereafter, at the principal office of the Company, in the City of Montreal, there shall be held a general meeting of the shareholders of the

Company for receiving the report of the directors, transacting the business of the Company, whether general or special, and electing the directors thereof, and at such meeting the shareholders shall elect directors for the ensuing year in the manner and qualified as hereinafter provided, which directors shall be fifteen in number, unless and until their number shall be changed by by-law ; and the number may from time to time be fixed by such by-law at not less than nine nor more than fifteen ; and public notice of such annual meeting and election shall be given by the publication for one month before the day of election of an advertisement in the *Canada Gazette*, and in one or more newspapers in the City of Montreal and in the Village of Huntingdon, and by a circular letter mailed to each shareholder ; and the election of directors shall be by ballot ; and the persons so elected, together with any *ex-officio* directors, shall form the board of directors, and at all meetings of shareholders they may vote by proxy, such proxy to be held by a shareholder. Notice.

9. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors : Provided, however, that no person shall be elected a director unless he shall be the holder and owner of at least twenty shares of the stock of the Company, and shall not be in arrear in respect of any calls thereon. Quorum. Qualification.

10. Any municipal council of a municipality which has given a bonus in aid of the said railway or its branches amounting to not less than twenty thousand dollars, shall be entitled during the construction of the railway or its branches, but not afterwards, to appoint a person annually to be a director of the Company, and such person shall be a director of the Company in addition to all the other directors authorized by this Act, or by "*The Consolidated Railway Act*, 1879," or any other Act, but such municipality shall incur no liability by the appointment of such director. Municipality granting aid to appoint director.

11. In the election of directors under this Act and in the transaction of all business at general meetings of shareholders, each shareholder shall be entitled to as many votes as he holds shares upon which the calls made have been paid up. Votes.

12. The directors may from time to time make calls upon the shareholders upon the shares held by them in the capital stock of the Company, in such proportion as they may see fit, not exceeding ten per cent. in any one call ; and the directors shall give thirty days' notice of such call in such manner as they may by by-law appoint, and no call shall be made at a less interval than two months from the previous call. Calls on stock

13. The head office of the Company shall be at the City of Montreal. Head office.

Company may become parties to promissory notes, &c.

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

Proviso; as to bank notes.

Borrowing powers of the company.

15. The Company may issue mortgage bonds to the extent of twenty thousand dollars per mile upon the entire length of its railway, for the purposes of the undertaking authorized by the present Act, but such issue shall not be made except under the authority of a special general meeting of the shareholders called for the purpose of considering it, but thereafter shall constitute a first mortgage, hypothec and privilege upon the said railway and upon its property, real and personal, rolling stock, plant, tolls and revenues, after deduction from such tolls and revenues of the working expenses of the railway; and such mortgage and hypothec may be evidenced by a deed or deeds of mortgage and hypothec executed by the Company with the authority of its shareholders, expressed by a resolution passed at a special general meeting thereof called for the purpose; which deed or deeds may contain such conditions respecting the payment of the said bonds, and of the interest thereon, and respecting the remedies which shall be enjoyed by the holders thereof, or by any trustee or trustees for them, in default of such payment, and for enforcing such remedies, and for such forfeitures and penalties in default of payment thereof, and of the interest or coupons thereon, as may be approved by such meeting; and may also, with the approval aforesaid, authorize the trustee or trustees, upon such default, as one of such remedies, to take possession of the railway and property mortgaged, and hold and run the same for the benefit of the bondholders thereof, for a time limited by such deed or deeds, or to sell the said railway and property after such delay and upon such terms and conditions as may be stated in such deed or deeds; and with like approval, may thereby grant such further and other powers and privileges to such trustee or trustees and to such bondholders as are not contrary to law or to the provisions of this Act, including the right to the holders of such bonds to vote at meetings of shareholders

Deed of mortgage.

and bondholders whenever any instalment either of interest or capital is in default, as shall be described in such deed or deeds.

"Working expenses" defined.

16. The phrase "working expenses," shall mean and include all expenses of maintenance of the railway and of the stations, buildings, works and conveniences belonging thereto and of the rolling and other stock and movable plant used in the working thereof; and also, all such tolls, rents or annual sums as may be paid in respect of property leased to or held by the Company, or in respect of the hire of engines, carriages or waggons let to the Company; also, all rent charges or interest on lands belonging to the Company, purchased, but not paid for, or not fully paid for; and also, all expenses of and incidental to working the railway and the traffic thereon, including stores and consumable articles; also, rates, taxes, insurance and compensation for accidents or losses; also, all salaries and wages of persons employed in and about the working of the railway and traffic, and all office and management expenses, including directors' fees, agency, legal and other like expenses, and generally all such charges, if any, not above otherwise specified, as in the case of English railway companies, are usually carried to the debit of revenue as distinguished from capital account.

Issue of guaranteed or preferred stock.

17. The Company may issue guaranteed or preferred stock to such an amount, not exceeding ten thousand dollars per mile, as shall be authorized by the majority in value of the shareholders present in person or represented by proxy at any annual meeting, or at any special general meeting thereof called for the purpose,----notice of the intention to propose such issue at such meeting being given in the notice calling such meeting; but such stocks shall not interfere with the lien, mortgage and privilege attaching to bonds issued under the authority of this Act.

Company may erect necessary buildings, &c.

18. The Company shall have power and authority to erect and maintain all necessary and convenient buildings, stations, depots, warehouses, elevators, wharves and fixtures, and from time to time to alter, repair or enlarge the same as the increasing traffic may require; and to erect docks, slips and piers at any point on or in connection with the said line of railway, for the convenience and accommodation of vessels and elevators; and shall also have full power and authority to connect any of the works herein mentioned with any point on the railway by means of any line or lines of railway for such purposes.

Arrangements with other companies.

19. The directors of the Company shall have full power and authority to enter into and conclude any arrangements with any other railway company of Canada or the United States for the purpose of making or acquiring any branch or branches to facilitate a connection between the Company hereby incorporated and such other railway company, or to acquire the corporate property and franchises of such other Company.

As to branches purchased or acquired.

20. Except as otherwise provided by this Act, every railway in Canada acquired by the Company, either by purchase or by amalgamation, and every branch in Canada made or acquired by the Company, in pursuance of any arrangement under the provisions of this Act, shall be held and deemed to be according to the true intent and meaning of "*The Consolidated Railway Act* 1879," a railway constructed under the authority of an Act passed by the Parliament of Canada.

Traffic arrangements with other companies.

21. The Company may enter into an agreement with any other railway company for leasing to such other company the said railway, or any part or branch thereof, or the use thereof, at any time or times, and for any period, or for leasing or hiring from such other company any railway or any part or branch thereof, or the use thereof, at any time or times and for any period, or for leasing or hiring as lessors or lessees any locomotives, tenders, cars or other rolling stock or movable property from any such company or any company or individuals, and generally to make any agreement or agreements with any such other company touching the use by one or other or by both companies of the railway or rolling stock or movable property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and such other railway company may agree to loan its credit to or may subscribe to and become the owner of the whole or a part of the stock of the Company hereby incorporated, in like manner and with the like rights as individuals: Provided the said leases, agreements and arrangements have been first respectively sanctioned by the majority of votes at a special general meeting of the shareholders called for the purpose of considering the same respectively, after due notice given as provided by "*The Consolidated Railway Act* 1879.'

Proviso; to be sanctioned.

Shareholders to have equal rights.

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

Form of conveyance of land.

23. Any deed of conveyance of land to the Company may be in the form of Schedule A to this Act annexed, and may be registered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the lands and immovables therein mentioned, to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a Notary.

Limitation of time.

24. The powers given by this Act shall be exercised by the commencement of the railway within one year after the passing of this Act, and its completion within three years therefrom.

Short title.

25. This Act shall be known and cited as "*The Montreal and Province Line Railway Act.*"

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents that I, A. B., of
do hereby in consideration of
paid to me by The Montreal and Province Line Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said The Montreal and Province Line Railway Company, their successors and assigns all that tract or parcel of land (*describe the land*), to have and to hold the said land and premises, unto the said Company, their successors and assigns for ever.

Witness my hand and seal this day of one thousand eight hundred and .

Signed, sealed and delivered in presence of C. D. } A. B. (L. S.)

No. 39.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate "The Montreal and Province Line Railway Company."

Received and read, first time, Friday, 27th February, 1880.

Second reading, Monday, 1st March, 1880.

(PRIVATE BILL.)

Mr. SCRIVER.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.,

1880.

No. 40.] **BILL** [1880.

An Act to incorporate "The *Mail* Printing Company."

Preamble.

WHEREAS Christopher William Bunting and others have by their petition prayed for the passing of an Act to incorporate them under the name of "The *Mail* Printing Company," and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Christopher William Bunting, of the City of Toronto, Esquire, John Riordon, of the Village of Merritton, Manufacturer, Charles Riordon, of the same place, Manufacturer, and William James Douglas, of the said City of Toronto, Accountant, together with such persons as may become shareholders in the corporation hereby created, shall be and they are hereby constituted and declared to be a body corporate and politic by and under the name of "The *Mail* Printing Company;" and by that name shall have perpetual succession and a common seal, with power to alter and change the same at pleasure; and by that name may sue and be sued, implead and be impleaded in all courts and places whatsoever; and may acquire property, real and personal, for themselves and their successors under any legal title whatsoever for the purposes of their business; and may alienate, sell, convey, lease, mortgage, pledge or otherwise dispose of the same or any part thereof from time to time, as occasion may require, for such prices or sums and on such terms and conditions as they may see fit, and, should they see fit, acquire other real and personal estate for the purposes of their business; and may take, acquire and hold all such lands and tenements, real or personal estate, as shall have been *bonâ fide* mortgaged to the Company by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of the Company's dealings, or purchased at sale upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding loss to the Company in respect thereof, or of the owner thereof, and may retain the same for a period not exceeding two years; and may invest their funds or any part thereof in the public securities of the Dominion of Canada, or of any Province thereof, or in the stock of any bank or building society in Canada, or in the bonds or debentures of any incorporated city, town or municipality in Canada, or in mortgages on real estate.

Corporate name and powers.

Objects and business of the company.

2. The said corporation (hereinafter called the Company) is hereby constituted for the purpose of acquiring by purchase or otherwise from the said Christopher William Bunting, John Riordon and Charles Riordon, or either of them, the printing establishment and business now carried on by them in the City of Toronto, and the *Mail* newspaper, with the copyright, good-will, interest and assets connected with the said business and newspaper, upon such terms and conditions as may be agreed upon, either as to payment wholly or in part in money or in paid-up shares in the capital stock of the Company, or otherwise; and for carrying on the printing and publishing of the said newspaper and such other newspapers and periodicals as may be established by the Company, and generally for carrying on the business of printing, publishing, bookbinding, engraving, wood-cutting, stereotyping, lithographing, and the dealing in and vending of all the merchandize connected therewith.

Head office and branches.

3. The head office of the Company shall be at the City of Toronto, in the Province of Ontario, and branch agencies or offices of the Company may be established in any other cities, towns or places in the Dominion of Canada, or elsewhere, in which the Company may see fit to carry on business.

Capital stock and shares.

4. The capital stock of the Company shall be five hundred thousand dollars, divided into five thousand shares of five hundred dollars each, and shall be deemed personal estate and be transferable only in such manner and subject to such conditions and restrictions as are herein, and as by the by-laws of the Company shall be directed and prescribed:

Increase.

Provided always, that it shall be lawful for the Company to increase its capital stock to but not in excess of seven hundred and fifty thousand dollars, as a majority of the shareholders at an annual meeting or a special general meeting shall decide by by-law, which by-law may determine the number and value of the shares of the new stock, and prescribe the manner in which the same shall be allotted; and such new stock shall be subject to all the incidents of the original stock.

Property may be paid for in shares.

5. It shall be lawful for the Company to issue paid-up shares in the said capital stock in payment of the price of real and personal property or by way of bonus to employees; and such paid-up shares so issued shall be free from all calls whatsoever and from all claim and demand on the part of the Company or of the creditors thereof to the same extent as if the amount of the same had been regularly called in by the Company and paid in cash by the holders thereof in full.

Borrowing powers of the company.

6. The directors may from time to time, with the sanction of the majority of the shareholders present or represented by proxy, at a general annual meeting or a meeting specially called for the purpose, borrow money on behalf of the Company at such rate of interest and upon such terms as the directors may by resolution determine, and to effect such loan may authorize the managing director and the secretary-treasurer to make and execute mortgages or other instru-

ments which may be necessary, to charge the property of the Company or any part thereof either with or without power of sale or other special provision; and no lender shall be bound to enquire into the occasion for any such loan or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

Shareholders may make by-laws.

7. The shareholders of the Company shall have full power in all things to administer the affairs of the Company, and to make by-laws regulating the issue and registration of certificates of stock, the evidence to be produced to verify the transmission of interest in shares, the declaration and payment of dividends, the number of directors, their term of service, the manner of their election, the completion of the board in event of the death, removal or resignation of a director, the amount of their stock qualification, the appointment, functions, duties and removal of a managing director and secretary-treasurer and all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the directors and managing director and secretary-treasurer, the calling of meetings, regular and special, of the board of directors and of the Company, the place or places where the meeting shall be held, the quorum, the requirements as to proxies and the proceedings in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, the establishment of branches or agencies, and the conduct in all other particulars of the affairs of the Company; and they may from time to time repeal, amend or re-enact the same: Provided that such by-laws do not contravene the provisions of this Act.

Proviso.

Votes.

8. Every shareholder in the Company shall be entitled to one vote for each share he may hold in the capital stock of the Company at least one month prior to the time of voting

Copy of by-law to be evidence.

9. A copy of any by-law of the Company under its seal purporting to be signed by any officer of the Company shall be received as *primâ facie* evidence of such by-law in all courts of law and equity in the Dominion of Canada.

Provisional directors and their powers.

10. To enable the Company to carry out the objects hereinbefore mentioned, the said Christopher William Bunting, John Riordon, Charles Riordon and William James Douglas are hereby constituted provisional directors of the Company, and they shall have power to conduct and carry into effect all arrangements and agreements for the purchase and acquisition on behalf of the Company of the said newspaper and the said printing establishment, plant and material and business above mentioned, upon such terms and conditions as may be agreed upon; and so soon as the agreement for such purchase and acquisition shall have been completed the said provisional directors (three of whom shall constitute a quorum) shall have power and authority to manage the affairs of the Company until directors under this Act shall have been elected in their place; and the said provisional directors shall have power to open stock books, receive sub-

scriptions of stock or shares, and generally to do all matters and things for the full organization and working of the Company; and upon the election of directors all the powers and functions of the said provisional directors shall cease.

First general meeting of shareholders.

11. As soon as fifty thousand dollars of the capital stock shall have been subscribed the provisional directors shall call a general meeting of the shareholders in the City of Toronto, of which meeting not less than ten days' notice shall be given by advertisement in the *Mail* newspaper, for the election of directors, the appointment of officers, the passing of by-laws for the management of the affairs of the Company, and generally for the exercise of the powers conferred on the shareholders by this Act, and by the "*Canada Joint Stock Company's Clauses Act*, 1869."

Failure of election not to dissolve corporation.

12. If at any time an election of directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Company duly called for that purpose.

Annual general meeting

13. The annual general meeting of the Company shall be held at the city of Toronto on the second day of March in each year, or if that day be a statutory holiday, then on the next following juridical day; and at such meeting a full and detailed statement of the financial affairs of the Company up to the first day of March of the year then last past shall be submitted to the shareholders, and shall appear in the books of the Company, and be open for the inspection of the shareholders.

Annual estimate of value of stock.

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

Purchase of shares at such valuation.

15 The Company shall cause a book or books to be kept by the secretary-treasurer or by some other officer especially charged with that duty, wherein shall be kept recorded: Books to be kept.

1. A correct copy of the Act incorporating the Company, as also of any and every by-law thereof. Act and by-laws.

2. The names, alphabetically arranged, of all persons who are or have been shareholders. Names.

3. The address and calling of every such person while such shareholder. Addresses.

4. The number of shares of stock held by each shareholder, and whether the same are paid or unpaid. Shares.

5. All transfers of stock in their order as presented to the Company for entry, with the dates and other particulars of each transfer and the date of the entry thereof; and Transfers.

6. The names, addresses and callings of all persons who are or have been directors of the Company, with the several dates at which such persons became or ceased to be directors. Directors.

16 No transfer of stock shall be valid for any purpose whatever save only as exhibiting the rights of the parties thereto towards each other and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the Company and their creditors, until entry thereof has been duly made in such book or books. Effect of transfer limited until entered.

17. The books in the next preceding section but one mentioned shall be *primâ facie* evidence of all facts purporting to be thereby stated in any suit or proceeding against the Company or against any shareholder. Effect of books as evidence.

18. Every director, officer or servant of the Company who knowingly makes or assists to make any untrue entry in any of the said books, or who refuses or neglects to make any proper entry therein, shall be liable to a penalty not exceeding twenty dollars for making such untrue entry, and for each such refusal or neglect, and for all loss or damage which any party interested may have sustained thereby. Penalty for making untrue entries.

19. The Company shall not be bound to see to the execution of any trust whether expressed, implied or constructive in respect of any shares, and the receipt of the shareholder in whose name the same may stand in the books of the Company shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipt. Company not bound to see to trusts.

20. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or Contracts, &c., of the company, how to be executed.

endorsed in the name and on behalf of the Company by the managing director or the secretary-treasurer, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order; nor shall the managing director or secretary-treasurer so acting on behalf of the Company be subjected to any individual liability whatsoever to any third party therefor:

Proviso: as to bank notes.

Provided always, that nothing in this section shall be construed to authorize or empower the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

Signing and sealing of deeds.

21. All deeds sealed with the common seal of the Company and signed by the managing director and secretary-treasurer shall be held to be the deeds of the Company.

Liability of shareholders limited.

22. The shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the Company beyond the sum remaining due to complete the amount of the unpaid shares in the capital stock subscribed for or held by them, respectively:

Proviso: responsibility in case of libel.

Provided always, that among the officers of the Company there shall be a printer and publisher who shall be held responsible in any criminal action for libellous matter complained of as having been published in the said *Mail* newspaper; and at least once in each month the said newspaper shall contain a notice, in a prominent part thereof, of the name and place of residence of the party holding such office as printer and publisher; and the said printer and publisher shall in like manner be held responsible in any criminal action for any libellous matter complained of as having been printed and published in any book, pamphlet or other printed matter issuing from the establishment of the Company.

As to stock held by persons in a representative capacity.

23. No person holding stock in the Company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund would be if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security by any instrument disclosing the conditional nature of the transfer shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

Voting on stock held by representatives.

24. Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the Company, and may vote accordingly as a shareholder, and shall be eligible as a director; and every person who pledges his stock by any instrument disclosing the conditional nature of the transfer may nevertheless represent such stock at all such meetings, and may vote accordingly as a shareholder.

Penalty for paying dividends when company is insolvent, &c.

25. If the directors of the Company declare and pay any dividend when the Company is insolvent, or which diminishes the capital stock thereof, they shall be jointly and severally liable as well to the Company as to the individual shareholders and creditors thereof for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office, respectively; but if any director present when such dividend is declared do forthwith, or if any director then absent do within twenty-four hours after he shall have become aware thereof, and able so to do, enter on the minutes of the board of directors his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper at or as near as may be possible to the office or chief place of business of the Company, such director may thereby, and not otherwise, exonerate himself from such liability.

How liability may be avoided.

Forfeiture of charter by non user.

26. The powers, rights and privileges granted to the Company by this Act shall be forfeited for non user during three consecutive years at any one time, or if the Company do not go into actual operation within three years after the passing hereof.

No. 40.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate "The *Mail* Printing Company."

Received and read first time, Friday, 27th February, 1880.

Second reading, Monday, 1st March, 1880.

(PRIVATE BILL)

Mr. McCarthy.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,

1880.

No. 41.] **BILL.** [1880.

An Act to amend "An Act to provide that persons charge with Common Assault shall be competent as Witnesses."

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

1. The third section of the Act passed in the forty-first year of Her Majesty's reign, chaptered eighteen, and intituled "*An Act to provide that persons charged with common assault shall be competent as witnesses*," is hereby amended by repealing the proviso thereto, commencing with the words "Provided that," to the end of the section. Sect. 3 of 41 V., c. 18, amended. Proviso repealed.

No. 41.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend "An Act to provide that persons charged with Common Assault shall be competent as Witnesses."

Received and read, first time, Friday, 27th February, 1880.

Second reading, Monday, 1st March, 1880.

Mr. McCarthy.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1880.

No. 42.] **BILL.** [1880

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

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

1. No person shall act as a stock-broker in any manner whatever, either in the sale or purchase of shares of any incorporated bank or mercantile corporation, debentures or public securities, whether Canadian, provincial, municipal or foreign, unless he is licensed as such by the Board of Trade of the place or nearest to the place where such broker carries on his business, which Board of Trade shall keep posted in a conspicuous manner within its building a list of brokers so licensed; and every person acting as a stock-broker without license shall be guilty of a contravention of the provisions of this Act. No person shall act as a stock-broker without a license from the proper Board of Trade. Penalty.

2. Every stock-broker, upon completing any such sale or purchase shall upon the same day enter such sale or purchase in a book which he shall keep for that purpose in his office, and in such entry he shall state the name in full of his principal in such purchase or sale and of the person acting on the other side in the making of such sale or purchase, the quantity and nature of the stocks or securities sold or bought, and the price of the same, and the terms of payment agreed upon, and shall sign such entry; and shall within twenty-four hours thereafter deliver a contract note to both buyer and seller, containing a true copy of the said entry, and shall, upon demand by either of the parties, produce and exhibit to him such entry; but in case of the sale of bank stocks he shall not be bound to enter the name of his principal in the book: Provided always, however, that nothing herein contained shall affect the validity of any contract made by any broker, which is valid as respects the contracting parties, according to the law of the place where such contract is made. Stock-broker completing sale or purchase to enter particulars on the same day in a book; And deliver contract note to buyer and seller. Exception in the case of bank stock. Proviso; as to validity of contract.

3. No stock-broker shall be personally interested in any such contract, either as seller or purchaser, directly or indirectly; nor shall directly or indirectly operate, deal or speculate for his own account or profit on any stock exchange or elsewhere in such stocks or securities, either in his own name or by and through the agency of an intermediate party. Broker not to be interested in any such contract.

Certain agreements for further sale or delivery to be void.

4. All agreements for the future sale or delivery of shares, stocks or securities, of which the seller is not actually possessed in his own right, at the time of making such agreement, shall be absolutely null and void as to all parties and to all intents and purposes.

Brokerage limited.

5. No broker shall receive double brokerage or commission—that is to say from both seller and buyer—but from the seller or buyer employing him only, and in no case shall he demand or receive for his services any larger sum of money than the amount of the usual brokerage or commission.

Penalty for contravention of this Act.

6. Every contravention of any of the provisions of this Act shall subject the offender to a penalty of not less than *one hundred dollars* and not more than *one thousand dollars* for every such contravention or offence, payable one-half to Her Majesty and the other half to the private prosecutor,

How recoverable.

which said penalty or penalties shall be recoverable by suit in any Court having jurisdiction to the amount of such penalty, and by distress of the goods and chattels of the defendant, and, in case of their insufficiency, the offender may be imprisoned for a term not exceeding one year, as the Court may order, unless the penalty and costs be sooner paid. Any contravention of any of the provisions contained in the sections four and five may further subject the offender to the forfeiture of his office and license if so demanded by the said action and pronounced by the Court; and every broker so deprived of his license shall be disqualified from acting as such broker.

For contravention of section 4 or 5 court may pronounce forfeiture of license.

Stock exchange to be open.

7. Every stock exchange shall be open, and suitable accommodation for the public shall be provided in every stock board-room, or place where brokers meet to transact their business; and any person who shall aid or abet in excluding the public, or any individual whomsoever from any such exchange, stock board-room or place, without just cause, shall be guilty of a contravention of this Act.

Penalty for excluding any one.

In suits under this Act all questions must be answered.

8. No person shall be excused from answering any question put to him in any suit brought under this Act, on the ground of any privilege, or that the answer to such question will tend to criminate him, but no such answer shall be used in any criminal proceeding against any such person, other than an indictment for perjury.

Money paid under illegal contract recoverable.

9. All moneys, given or paid under any contract or agreement prohibited by this Act, shall be recoverable back by the person who shall so give or pay the same, provided the suit to that effect be brought within two years from and after the making of such contract or agreement.

When this Act shall come into force.

10. This Act shall come into force thirty days after it receives Her Majesty's assent and not before.

No. 42.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

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

Received and read, first time, Friday, 27th February, 1880.

Second reading, Monday, 1st March, 1880.

Mr. GIROUARD
(Jacques Cartier.)

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.,

1880.

No. 43.] **BILL.** [1880.

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

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

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

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

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

Classification.

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

Higher division.

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

Lower division.

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

Entrance salaries to be fixed.

5. Before the Session of Parliament next after the passing of this Act, uniform rates of entrance salaries shall be established by Order in Council for the officers of the Higher and Lower Divisions, respectively, in the same manner as is hereinafter provided for fixing the salaries of Civil Service Commissioners, and subject to the same provision: Any change in existing rates of salary made by such Order in Council shall apply only to officers appointed after the date at which it takes effect.

As to changes in existing rates.

Division of work of departments.

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

Appointments and promotions, how made.

7. After a date to be fixed by Order in Council, within six months from the passing of this Act, all appointments and promotions in the Service shall be made in the manner hereinafter specified:—All first appointments shall be made to the lowest grade of permanent officers, or at the minimum entrance salary of the Division in which they are made, except as hereinafter provided. Persons eligible for appointments in the Service shall be selected for merit by means of open examinations, as follows, viz.: by a "Qualifying Examination," intended to test the fitness for employment of those who present themselves; and a "Competitive Examination," to select from those who prove to be qualified the number required for the Service.

Appointment by merit after examination.

Examinations and notice thereof.

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

Computation of vacancies.

Qualifying examinations.

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

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

Who may be examined.

Engagement to be entered into.

Mode of examination.

Grading for lower division.

10. Competitive Examinations shall be held as soon as may be after each qualifying examination, in such places as the Board may direct. The Board shall give notice of the time of holding these examinattons to all holders of certificates of qualification, and shall prescribe a form of application for admittance. They shall be open to all holders of certificates of qualification who shall have applied in the manner specified by the Board, and who enter into an engagement to accept any position to which they may be appointed. Such examination shall also be conducted in writing, and the Examining Committee shall prepare an uniform set of papers for the examinations, and also, special papers, if a selection is to be made for some special or scientific service. The general papers shall include a wide range of subjects, such as the Board may consider calculated to afford a field for men of varied education, and to test the general ability of candidates. Each subject shall have a maximum number of marks attached to it. Each candidate shall be allowed to choose from these not more than eight nor less than three subjects, valued in the aggregate at not less than four times the maximum marks of the subject to which fewest marks have been allotted. Candidates for special or scientific employment shall only be required to take the subjects prescribed for such positions, and shall only compete with other candidates for the same class of employment. No marks shall be counted for any candidate in any subject in which he obtains less than twenty-five per cent. of the marks allotted thereto. No candidate

Competitive examinations and regulations therefor.

Candidates for special employment.

Marks.

shall be allowed to pass who obtains less than fifty per cent. of the aggregate of marks in the group of subjects he has chosen, or the compulsory subjects prescribed for him.

Bonus to be added to marks earned.

A bonus in marks shall be added to the number of marks actually earned by any candidate in any subject, in the proportion of twenty per cent. of such number. Lists of candidates who have passed shall be made out in order of merit up to the published number of vacancies, classing the candidates for special or scientific employment separately, and showing the marks counted for each; and certificates of merit shall be issued to each of such individuals, stating his standing and marks. Certificates of merit shall only be in force for one year or until the publication of the list after the next general competitive examination.

Duration of certificates.

Special examinations.

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

How appointments in the higher division shall be made.

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

Employment in the lower division.

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

Promotion.

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

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

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

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

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

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

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

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

19. All appointments, promotions, transfers and superannuations in the service, and dismissals therefrom, shall Publication of appointments, &c.

be published in the *Gazette* when made, and if they have been special, the authority and reasons for making them shall also be published.

Annual report to be prepared.

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

Inconsistent enactments repealed.

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

No. 43.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

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

Received and read, first time, Friday, 27th February, 1880.

Second reading, Monday, 1st March, 1880.

Mr. CASEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 41.] **BILL.** [1880.

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

WHEREAS by an Act passed by the Legislative Assembly of the Province of British Columbia, in the year one thousand eight hundred and seventy-eight, and known as "*The better Administration of Justice Act*, 1878," provision is made for the appointment of two Judges of the Supreme Court of British Columbia in addition to the number of Judges now authorized to be appointed to that Court, and it is necessary to make provision for the salaries of such additional Judges: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble. Act of Brit. Columbia cited.

. The salary of each of the two additional Judges of the Supreme Court of British Columbia, referred to in the preamble to this Act, shall be four thousand dollars per annum, and shall be payable out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. Salary of each judge. How payable.

No. 44.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

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

Received and read, first time, Friday, 27th February, 1880.

Second reading, Monday, 1st March, 1880.

Mr. McDONALD
(Pictou.)

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.

1880.

Reprinted

No. 45.] **BILL.** [1880.

An Act to incorporate "The Great Western Telegraph Company of Canada."

Preamble.

WHEREAS John Norquay, D. M. Walker, C. P. Brown, Edward P. Leacock, I. S. Aikins, Daniel E. Sprague, John Schultz, J. Pratt, Joseph Brown, Joseph Royal, H. S. Donaldson, George B. Fisher, Alexander Logan, and others, have, by their petition, prayed to be incorporated under the name of "The Great Western Telegraph Company of Canada," to establish and work telegraph lines in the North-West Territories, the District of Keewatin, the Provinces of Manitoba and British Columbia, and in connection with the Province of Ontario; and whereas it would be advantageous to have an effective system of electric telegraph established in such places, and it is expedient to grant the prayer of the said petitioners, and that the said persons and others who may be associated with them should be so incorporated for the said purpose: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. John Norquay, D. M. Walker, C. P. Brown, Edward P. Leacock, I. S. Aikins, Daniel C. Sprague, John Schultz, J. Pratt, Joseph Brown, Joseph Royal, H. S. Donaldson, George B. Fisher, Alexander Logan, Arthur F. Eden, A. G. B. Bannatyne, James Anderson, James J. Foy, Charles Macdonald, George A. Kirkpatrick, Thomas B. Bentley, and such other persons as may become shareholders in the corporation to be by this Act created, shall be and they are hereby constituted and declared to be a corporation body politic and corporate, by the name of "The Great Western Telegraph Company of Canada," and the head office of the said Company shall be in the City of Toronto, in the Province of Ontario, until the same shall be removed, as hereinafter provided for.

Corporate name and head office.

Head office may be removed.

2. If the provisional or other directors for the time being appointed as hereinafter provided, at any time desire to remove the head office from Toronto to any other place in Canada, or, from time to time, to remove the said head office from one place in Canada to another, they shall have power to do so by a resolution, or resolutions to such effect, which said resolution or resolutions shall be forthwith published in the *Canada Gazette* for a period of eight weeks thereafter; and upon and from the last of such publications the said head office shall be thereby and thereafter transferred and removed, in accordance with the terms of any resolution or resolutions so published.

Powers and business of the company.

3. The said Company shall have power to establish, construct, purchase, lease and work any line or lines of telegraph, or maintain such line or lines for others, from and to any place or places in the Dominion of Canada, either by land or water, over which exclusive telegraph line rights do not now exist by any law of the Dominion or of any Province of the Dominion, and from and to any place or places without the Dominion of Canada, and to make connection with the line or lines of any telegraph company in the United States of America or elsewhere, and to aid or advance money to build or work any such line in the United States; and also to borrow such sum of money, not exceeding the amount of the paid up capital of the Company, as the directors shall deem necessary, and to issue bonds therefor, which shall be a first charge upon the whole lines, works and plant of the Company, in such sums and at such rate of interest, and payable at such times and places as the directors shall determine, for the purpose of carrying out any of the objects or purposes of this Act; the said Company shall also have power to maintain and repair telegraph lines for others within the Dominion of Canada or the United States, and also to work jointly or amalgamate with any telegraph company in the said Dominion or the United States.

Borrowing powers.

Amalgamation.

Arrangement may be made with Manitoba Telegraph Company.

4. At any time the provisional or other directors for the time being may see fit, by agreement or arrangement with the Manitoba Telegraph Company (which agreement or arrangement, the said provisional or other directors, for the time being, are hereby empowered to make and enter into, they may, by a resolution to that effect, merge the said Manitoba Telegraph Company in the said Great Western Company of Canada, and declare the same to be "The Great Western Telegraph Company of Canada" incorporated by this Act, and declare all the property, rights, credits, debts and liabilities belonging to or attached to the said Manitoba Telegraph Company, or any shareholder thereof, as such, to belong and be attached to the said Great Western Telegraph Company of Canada incorporated by this Act and to every such shareholder of the said last mentioned Company, as such, on and subject to such terms as may be provided in such agreement between the said companies.

Construction and maintenance of telegraph lines.

5. The said Company may lay down, erect and maintain its line or lines of telegraph along the side of and across any public highways, bridges, water courses, or other such places, or under any navigable waters, either wholly in Canada or dividing Canada from any other country, provided the said Company shall not interfere with the public rights of travelling thereon; and the Company may enter upon any lands or places and survey, set off and take such part thereof as may be necessary for such line or lines of telegraph; and in case of disagreement between the said Company and any owner or occupier of lands which the said Company may take for the purposes aforesaid, or in respect to any damage done to the same by constructing the line or lines through or upon the same, the said Company and such owner or occupier, as the case may be, shall each choose an arbitrator,

which two arbitrators shall choose a third, and the decision on the matter in difference of any two of them in writing shall be final; and if the said owner or occupier or the agent of the said Company neglects or refuses to choose an arbitrator after four days' notice in writing from the opposite party to him, and upon proof of personal service of such notice, or if such two arbitrators when duly chosen disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Minister of Public Works for the time being to nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided: Provided always, that nothing herein contained shall be construed to confer on the said Company the right of building a bridge over any navigable river in Canada, or of erecting posts or placing their lines of telegraph upon the line of any railway without the consent of the company to which such railway belongs.

Proviso; as to bridges and lines of railway.

6. The capital of the said Company shall be four hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and the said capital may be increased from time to time by resolution of the board of directors by and with the consent of a majority in value of the shareholders, but such capital shall at no time be made to exceed six hundred thousand dollars.

Capital stock and shares.

7. The Honorable John Norquay, the Honorable Alexander Morris, the Honorable A. G. B. Bannatyne, the Honorable C. P. Brown, I. S. Aikins, M.P.P., Ed. P. Leacock, H. S. Donaldson, Charles Macdonald, James Anderson, George A. Kirkpatrick and James J. Foy, are hereby constituted the provisional directors of the said Company, and shall have power and authority to open stock-books, to procure subscriptions for the undertaking, to make calls upon the subscribers, and to cause surveys and estimates to be made, to cause plans to be executed, to enter upon and occupy lands and waters required for the purposes of the Company, to enter into contracts with any person or persons for materials or for constructing the said lines or any part thereof, until the first general meeting of subscribers hereinafter provided for.

Provisional directors and their powers.

8. The provisional directors shall hold office until after the first general meeting of shareholders of the Company after the passing of this Act, which said first general meeting shall be held as soon as ten per cent. upon the capital stock subscribed shall have been paid in, such subscription of stock not being less than fifty thousand dollars; notice of such first general meeting shall be given to each shareholder by mail at least one month previous to holding the same, and by five insertions in some newspaper printed in the *City of Winnipeg* for four weeks previous thereto; and at the said meeting and all subsequent meetings of the shareholders each share shall entitle the holder to one vote, which may be given either in person or by proxy, but no person other than a shareholder shall hold a proxy.

First general meeting of the shareholders.

Notice.

Votes and proxies.

Rights of shareholders.

9. Every subscriber to or holder of the stock of the said Company shall thereby become a member of the said Company, and shall have the same rights and privileges with other members thereof.

Directors and their qualification.

10. The affairs and business of the Company shall be managed by a board of directors to consist of ten members, and each such director shall be a proprietor of at least two hundred shares in the stock of the Company; and the directors shall be elected and hold office as hereinafter provided.

Equal rights of shareholders.

Liability.

11. Aliens shall have equal rights with British subjects to take stock, to vote and to be eligible to office in the said Company; and no shareholder shall be liable beyond the amount unpaid on the stock subscribed by him for any debt contracted by the Company.

Officers and agents.

Quorum.

Casting vote.

12. The directors shall appoint one of their members to act as president and another to act as vice-president, and may appoint such other officers and agents as they shall deem necessary, and the directors may remove all officers appointed by them, and appoint others in their places, and may fill all vacancies in their offices; three of the directors shall form a quorum, and all questions shall be decided by a majority of votes of the directors present, and upon every equal division of votes the president or the chairman for the time being shall give his casting vote, in addition to the vote previously given by him as one of the directors; and the directors may appoint honorary or local directors if they think proper so to do at any time.

Stock books may be opened.

Agents and their powers.

13. The provisional or other directors of the Company for the time being may open or cause to be opened stock books for the subscription of parties desiring to become shareholders in the capital stock of the Company, in such places as they shall see fit, and may make such shares payable in such manner as they shall see fit, and may make the dividends thereon payable at such place or places as to such directors shall from time to time seem fit, and from time to time may appoint agents of the Company in or out of Canada, and may delegate to such agents such powers as to the directors of the Company shall from time to time seem fit, and may make such rules and regulations as to the said directors for the time being of the Company shall from time to time seem fit as to the issuing of shares, and as to the mode, time, place or places of the transfer of such shares, and as to the time, mode and place of paying of the dividends from time to time to accrue thereon, and otherwise shall be deemed requisite or beneficial for giving full effect to the powers hereby vested in the directors of the Company in respect of issuing such shares.

Annual general meetings.

14. The first general meeting shall be held as hereinbefore provided for, and in each year thereafter upon the same day or on such other day as the directors by any by-law may from time to time appoint, there shall be held a general

meeting for the election of directors, and such other proceedings and business as it is competent for the shareholders to deal with and determine, and four weeks notice of every such meeting shall be given in one or more of the newspapers published in the *City of Winnipeg*. The directors, or any of them, shall be qualified for re-election. Re-election.

15. Whenever one or more of such directors die or resign, the remaining directors, at their first meeting thereafter, shall supply the vacancy by resolution appointing a director or directors instead of the director or directors so having died or resigned. Vacancies, how filled.

16. The directors may from time to time make, alter, amend or repeal such regulations and by-laws as may be necessary for the management of the affairs of the Company generally. By-laws.

17. The directors may require payments of subscribed stock at such times and in such proportions as they may deem best, so that no call shall exceed ten per cent. of the amount subscribed, or be made upon less than sixty days' notice, or at least sixty days subsequent to the preceding call. Failure to pay dues shall entail forfeiture, as may be provided for by by-law ; and forfeited shares shall be disposed of by public auction and after public notice for a term not less than four weeks. Calls and payment thereof. Forfeiture.

18. All shares in the capital stock of the Company, and all profit and advantages thereof, shall be held to be personal estate and shall be transferable and transmissible as such, provided no assignment or transfer shall be valid unless all calls then due on such shares are paid up and the said transfer is duly made and entered in a book to be kept for that purpose ; and when a shareholder shall have transferred all his shares he shall cease to be a member of the Company. Transfer of shares.

19. The Company, their deputies, servants, agents and workmen are duly authorized and empowered to enter into and upon the land, grounds and premises of any person or persons, bodies politic, corporate and collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended telegraph, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended telegraph and other works, and also to bore, dig, cut, trench, get, remove, take, carry away and lay earth, clay, stone, soil, rubbish, trees. roots, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended telegraph or other works on or out of the lands adjoining or lying convenient thereto, and which may be proper and necessary for making or repairing the said intended telegraph or works, incidental or relative thereto, or which may hinder, Power to enter on lands and do certain work thereon.

prevent or obstruct the making, using, completing or maintaining the same, respectively, according to the intent and purpose of this Act; and to build, erect and set up in or upon such lands such and so many station houses and observatories, watch houses and other works, ways, roads and conveniences as and where the Company shall think requisite and convenient for the purposes of the said telegraph; and also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works, upon or across any non-navigable rivers or brooks, for the making, using, maintaining and repairing the said intended telegraph, and to construct and make and do all other matters and things which they shall deem convenient and necessary for the making, extending, preserving, improving, completing and easy using of the said intended telegraph and other works in furtherance of and according to the true intent and meaning of this Act; and whensoever and wheresoever the said telegraph shall pass through any wood the trees and underwood may be cut down for the space of fifty feet on each side of the said telegraph on which such trees and underwood may be, they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction whenever required so to do to the owners or proprietors of or the persons interested in the lands, tenements, hereditaments, water, water courses, brooks or rivers, respectively, which shall be taken, removed, used or prejudiced, or woods in which trees or underwood shall be cut down, or for all damage to be by them sustained in or by the execution of all or any of the powers granted by this Act: Provided, that the Company shall not cut down or mutilate any tree planted or left standing for shade or ornament, or any fruit tree, unless it be necessary so to do for the erection, use or safety of any of its lines; and provided that in case the parties shall differ as to the amount of compensation to be paid by the Company, the same shall be settled by arbitration in the manner provided in the *fifth* section of this Act,

Compensation for damages.

Proviso: as to shade or fruit trees.

Arbitration in case of difference.

Power to set up posts on roads, &c.

20. The Company, their employees, servants or contractors, shall have full power and authority to set up posts for supporting the wires of the said telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, and such posts or poles and wires, and other apparatus therewith connected shall be the property of the Company, as shall also all cables, wires, and other apparatus which shall be set up or carried under the surface of land or water by the Company for the purposes thereof, although the lands or waters on or under which the same are set up or carried be not the property of the Company.

Despatches to be transmitted in regular order.

21. It shall be the duty of the Company to transmit all despatches in the order in which they are received, under a penalty of not less than twenty dollars nor more than one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its

order; and the Company shall have full power to charge for the transmission of such despatches, and to receive, recover, and collect such rates of payment as shall be from time to time fixed by the by-laws made by the directors: Provided always, that any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of justice, or any person thereunto authorized by the Secretary of State of Canada.

Proviso: as to Government messages, &c.

22. This Act shall be known and may be cited as "The Great Western Telegraph Company of Canada Act."

Short title.

No. 45.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate "The Great Western Telegraph Company of Canada."

Received and read first time, Monday, 1st March, 1880.

Second reading, Tuesday, 2nd March, 1880.

(PRIVATE BILL.)

MR. RYAN
(Marquette).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1880.

No. 45] **BILL.** [1880.

An Act to incorporate "The Great North-Western Telegraph Company of Canada."

(*Reprinted as amended by the Sub-Committee of the Select Standing Committee on Railways, Canals and Telegraph Lines.*)

Preamble.

WHEREAS John Norquay, D. M. Walker, C. P. Brown, Edward P. Leacock, I. S. Aikins, Daniel E. Sprague, John Schultz, J. Pratt, Joseph Brown, Joseph Royal, H. S. Donaldson, George B. Fisher, Alexander Logan, and others, have, by their petition, prayed to be incorporated under the name of "The Great North-Western Telegraph Company of Canada," to establish and work telegraph lines in the North-West Territories, the District of Keewatin, the Provinces of Manitoba and British Columbia, and in connection with the Province of Ontario; and whereas it would be advantageous to have an effective system of electric telegraph established in such places, and it is expedient to grant the prayer of the said petitioners, and that the said persons and others who may be associated with them should be so incorporated for the said purpose: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. John Norquay, D. M. Walker, C. P. Brown, Edward P. Leacock, I. S. Aikins, Daniel C. Sprague, John Schultz, J. Pratt, Joseph Brown, Joseph Royal, H. S. Donaldson, Alexander Logan, Arthur F. Eden, A. G. B. Bannatyne, James Anderson, James J. Foy, Charles Macdonald, George A. Kirkpatrick, Thomas Swinyard, C. Acton Burrows, and such other persons as may become shareholders in the corporation to be by this Act created, shall be and they are hereby constituted and declared to be a corporation, body politic and corporate, by the name of "The Great North-Western Telegraph Company of Canada," and the head office of the said Company shall be in the City of Toronto, in the Province of Ontario, until the same shall be removed, as hereinafter provided for.

Corporate name and head office.

Head office may be removed.

2. If the provisional or other directors for the time being appointed as hereinafter provided, at any time desire to remove the head office from Toronto to any other place in Canada, or, from time to time, to remove the said head office from one place in Canada to another, they shall have power to do so, if so authorized by a resolution, or resolutions to such effect, adopted at a meeting of the shareholders of the Company specially called for that purpose, which said reso-

lution or resolutions shall be forthwith published in the *Canada Gazette* for a period of eight weeks thereafter; and upon and from the date of the last of such publications the said head office shall be thereby and thereafter transferred and removed, in accordance with the terms of any resolution or resolutions so published.

Powers and business of the company.

3. The said Company shall have power to establish, construct, purchase, lease and work any line or lines of telegraph, or maintain such line or lines for others, from and to any place or places in the Dominion of Canada, either by land or water, over which exclusive telegraph line rights do not now exist by any law of the Dominion or of any Province of the Dominion, and from and to any place or places without the Dominion of Canada, and to make connection with the line or lines of any telegraph company in the United States of America or elsewhere, and to aid or advance money to build or work any such line in the United States; and also to borrow such sum of money, not exceeding the amount of the paid up capital of the Company, as the directors shall deem necessary, and to issue bonds therefor, which shall be a first charge upon the whole lines, works and plant of the Company, in such sums and at such rate of interest, and payable at such times and places as the directors shall determine, for the purpose of carrying out any of the objects or purposes of this Act; the said Company shall also have power to maintain and repair telegraph lines for others within the Dominion of Canada or the United States, and also to work jointly or amalgamate with, or to lease their line or any portion or portions thereof from time to time, to any telegraph company in the said Dominion or the United States; and, also, to enter into any arrangement with any person, board or company possessing, as proprietors, any line of telephonic communication, or any power or right to use communication by means of the telephone or other similar apparatus, upon such terms and in such manner as the board of directors may from time to time deem expedient or advisable.

Borrowing powers.

Amalgamation.

Arrangement may be made with Manitoba Telegraph Co.

4. The said Company, acting by its provisional or ordinary directors, authorized in that behalf by a resolution of the shareholders passed at a meeting thereof specially called for the purpose, may amalgamate with the Manitoba Telegraph Company, and for that purpose may execute with the said last-named Company a deed of amalgamation, providing for merging the said last-named Company in the said Great North-Western Telegraph Company of Canada; and upon the execution of such deed of amalgamation, and after the publication of a notice of the execution thereof for one month in the *Manitoba Gazette*, the assets, rights and property of the said Manitoba Telegraph Company shall vest in the Great North-Western Telegraph Company of Canada, and its obligations and liabilities shall become the obligations and liabilities of the said last-named Company; the whole upon such terms and conditions as shall be contained in the deed of amalgamation, not contrary to law or to the provisions of this Act. But nothing herein contained shall be

construed to confer upon the Manitoba Telegraph Company any power in respect of such amalgamation, nor shall such amalgamation confer upon the Great North-Western Telegraph Company of Canada any franchises or powers not provided for in this Act

Construction and maintenance of telegraph lines.

5. The said Company may lay down, erect and maintain its line or lines of telegraph along the side of and across any public highways, bridges, water courses, or other such places, or under any navigable waters, either wholly in Canada or dividing Canada from any other country, provided the said Company shall not interfere with the public rights of travelling thereon; and the Company may enter upon any lands or places and survey, set off and take such part thereof as may be necessary for such line or lines of telegraph; and in case of disagreement between the said Company and any owner or occupier of lands which the said Company may take for the purposes aforesaid, or in respect to any damage done to the same by constructing the line or lines through or upon the same, the said Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter in difference of any two of them in writing shall be final; and if the said owner or occupier or the agent of the said Company neglects or refuses to choose an arbitrator after four days' notice in writing from the opposite party to him, and upon proof of personal service of such notice, or if such two arbitrators when duly chosen disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Minister of Public Works of Canada for the time being to nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided: Provided always, that nothing herein contained shall be construed to confer on the said Company the right of building a bridge over any navigable river in Canada, or of erecting posts or placing their lines of telegraph upon the line of any railway without the consent of the company to which such railway belongs.

Proviso; as to bridges and lines of railway.

Capital stock and shares.

6. The capital of the said Company shall be four hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and the said capital may be increased from time to time by resolution of the board of directors by and with the consent of a majority in value of the shareholders, but such capital shall at no time be made to exceed six hundred thousand dollars.

Provisional directors and their powers.

7. The Honorable John Norquay, the Honorable Alexander Morris, the Honorable A. G. B. Bannatyne, the Honorable C. P. Brown, I. S. Aikins, M.P.P., Ed. P. Leacock, H. S. Donaldson, Charles Macdonald, James Anderson, George A. Kirkpatrick, Thomas Swinyard and James J. Foy, are hereby constituted the provisional directors of the said Company, and shall have power and authority to open stock-books to procure subscriptions for the undertaking.

First general meeting of the shareholders.

8. The provisional directors shall hold office until after the first general meeting of shareholders of the Company after the passing of this Act, which said first general meeting shall be held as soon as ten per cent. upon the capital stock subscribed shall have been paid in, such subscription of stock not being less than fifty thousand dollars;

Notice.

notice of such first general meeting shall be given to each shareholder by mail at least one month previous to holding the same, and by five insertions in some newspaper printed

Votes and proxies.

in the City of Winnipeg for four weeks previous thereto; and at the said meeting and all subsequent meetings of the shareholders each share shall entitle the holder to one vote, which may be given either in person or by proxy, but no person other than a shareholder shall hold a proxy.

Rights of shareholders.

9. Every subscriber to or holder of the stock of the said Company shall thereby become a member of the said Company, and shall have the same rights and privileges with other members thereof.

Directors and their qualification.

10. The affairs and business of the Company shall be managed by a board of directors to consist of nine members, and each such director shall be a proprietor of at least fifty shares in the stock of the Company; and the directors shall be elected and hold office as hereinafter provided.

Equal rights of shareholders.

Liability.

11. Aliens shall have equal rights with British subjects to take stock, to vote and to be eligible to office in the said Company; and no shareholder shall be liable beyond the amount unpaid on the stock subscribed by him for any debt contracted by the Company.

Officers and agents.

12. The directors shall appoint one of their members to act as president and another to act as vice-president, and may appoint such other officers and agents as they shall deem necessary, and the directors may remove all officers appointed by them, and appoint others in their places, and

Quorum.

may fill all vacancies in their offices; five of the directors shall form a quorum, and all questions shall be decided by

Casting vote.

a majority of votes of the directors present, and upon every equal division of votes the president or the chairman for the time being shall give his casting vote, in addition to the vote previously given by him as one of the directors; and the directors may appoint honorary directors if they think proper so to do at any time.

Stock-books may be opened.

13. The provisional or other directors of the Company for the time being may open or cause to be opened stock books for the subscription of parties desiring to become shareholders in the capital stock of the Company, in such places as they shall see fit, and may make such shares

Agents.

payable in such manner as they shall see fit, and may make the dividends thereon payable at such place or places as to such directors shall from time to time seem fit, and from time to time may appoint agents of the Company in or out of Canada.

Annual general meetings.

14. The first general meeting shall be held as hereinbefore provided for, and in each year thereafter upon the same day or on such other day as the directors by any by-law may from time to time appoint, there shall be held a general meeting for the election of directors, and such other proceedings and business as it is competent for the shareholders to deal with and determine, and four weeks notice of every such meeting shall be given in one or more of the newspapers published in the City of Winnipeg. The directors, or any of them, shall be qualified for re-election.

Re-election.

Vacancies, how filled.

15. Whenever one or more of such directors die or resign, the remaining directors, at their first meeting thereafter, may supply the vacancy by resolution appointing a director or directors instead of the director or directors so having died or resigned.

By-laws.

16. The directors may from time to time make, alter, amend or repeal such regulations and by-laws as may be necessary respecting the issue and transfer of shares and for the management of the affairs of the Company generally; but every such by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the shareholders, duly called for that purpose, shall only have force until the next annual meeting of the Company and in default of confirmation thereat shall at and from that time only cease to have force.

Calls and payment thereof.

17. The directors may require payments of subscribed stock at such times and in such proportions as they may deem best, so that no call shall exceed ten per cent. of the amount subscribed, or be made upon less than sixty days' notice, or at least sixty days subsequent to the preceding call. Failure to pay dues shall entail forfeiture, as may be provided for by by-law; and forfeited shares shall be disposed of by public auction and after public notice for a term not less than four weeks.

Forfeiture.

Transfer of shares.

18. All shares in the capital stock of the Company, and all profits and advantages thereof, shall be held to be personal estate and shall be transferable and transmissible as such, provided no assignment or transfer shall be valid unless all calls then due on such shares are paid up and the said transfer is duly made and entered in a book to be kept for that purpose.

Power to enter on lands and do certain work thereon.

19. The Company, their deputies, servants, agents and workmen are duly authorized and empowered to enter into and upon the land, grounds and premises of any person or persons, bodies politic, corporate and collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said telegraph line, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said telegraph line and other

works, and also to bore, dig, cut, trench, get, remove, take, carry away and lay earth, clay, stone, soil, rubbish, trees, roots, beds of gravel or sand, or any other matters or things which may be dug or got in making the said telegraph line or other works on or out of the lands adjoining or lying convenient thereto, and which may be proper and necessary for making or repairing the said telegraph line or works, incidental or relative thereto, or which may hinder, prevent or obstruct the making, using, completing or maintaining the same, respectively, according to the intent and purpose of this Act; and to build, erect and set up in or upon such lands such and so many station houses and observatories, watch houses and other works, ways, roads and conveniences as and where the Company shall think requisite and convenient for the purposes of the said telegraph; and also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works, upon or across any non-navigable rivers or brooks, for the making, using, maintaining and repairing the said telegraph line, and to construct and make and do all other matters and things which they shall deem convenient and necessary for the making, extending, preserving, improving, completing and easy using of the said telegraph line and other works, in furtherance of and according to the true intent and meaning of this Act; and whensoever and wheresoever the said telegraph shall pass through any wood the trees and underwood may be cut down for the space of fifty feet on each side of the said telegraph on which such trees and underwood may be, they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction whenever required so to do to the owners or proprietors of or the persons interested in the lands, tenements, hereditaments, water, water courses, brooks or rivers, respectively, which shall be taken, removed, used or prejudiced, or woods in which trees or underwood shall be cut down, or for all damage to be by them sustained in or by the execution of all or any of the powers granted by this Act: Provided, that the Company shall not cut down or mutilate any tree planted or left standing for shade or ornament, or any fruit tree; and provided that in case the parties shall differ as to the amount of compensation to be paid by the Company, the same shall be settled by arbitration in the manner provided in the *fifth* section of this Act.

Compensation for damages.

Proviso: as to shade or fruit trees.

Arbitration in case of difference.

Power to set up posts on roads, &c.

20. The Company, their employees, servants or contractors, shall have full power and authority to set up posts for supporting the wires of the said telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, and such posts or poles and wires, and other apparatus therewith connected shall be the property of the Company, as shall also all cables, wires, and other apparatus which shall be set up or carried under the surface of land or water by the Company for the purposes thereof, although the lands or waters on or under which the same are set up or carried be not the property of the Company; but the Company shall

use the power hereby conferred in such manner as not to interfere with the free use by the public of such public road, street or highway.

Despatches to be transmitted in regular order.

21. It shall be the duty of the Company to transmit all despatches in the order in which they are received, under a penalty of not less than twenty dollars nor more than one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order; and the Company shall have full power to charge for the transmission of such despatches, and to receive, recover, and collect such rates of payment as shall be from time to time fixed by the directors: Provided always, that any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of justice, or any person thereunto authorized by the Secretary of State of Canada

Proviso: as to Government messages, &c.

Contents of despatches not to be divulged.

22. Any operator of the said telegraph line or person employed by the telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Injuring company's property a misdemeanor.

23. Any person who shall wilfully or maliciously injure, molest or destroy any of the lines, posts, piers or abutments of the said Company, or the material or property belonging thereto, or in any way obstruct the working of the said line of telegraph shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be liable to be punished in the manner by law provided for such offence.

Limitation of time.

24. The Company shall *bonâ fide* commence and proceed with the construction of the works hereby authorized within two years from the passing of this Act.

Short title.

25. This Act shall be known and may be cited as "*The Great North-Western Telegraph Company of Canada Act.*"

No. 45.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate "The Great Western Telegraph Company of Canada."

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

(PRIVATE BILL.)

Mr. RYAN
(Marquette).

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

Reprinted

No. 46.] **BILL.** [1880.

An Act to incorporate "The Winnipeg and Hudson's Bay Railway and Steamship Company."

Preamble.

WHEREAS the construction of a railway from the City of Winnipeg, in the Province of Manitoba, to Port Nelson, or some other point on the Nelson River or Hudson's Bay, in the Territory of Keewatin, either in a continuous line, or with power to the Company incorporated to construct the same to utilize the navigable waters along the said route for the purpose of transport, and to build and own or charter vessels for the said purpose, and also to build, own, purchase or charter steamships or other vessels for the purpose of transporting freight or passengers from the northern terminus of the said railway to Europe or elsewhere. would be of general advantage to the Dominion; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Andrew Willson Bell, William Bannerman, Eric Harrington, Peter Johnston Brown, John C. Schultz, Hugh Ryan, John G. Haggart, Joseph Riopelle, Hugh Sutherland, Alexander Barnet, and Edward Elliott, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Winnipeg and Hudson's Bay Railway and Steamship Company."

Corporate name.

Powers and business of the Company.

2. The said Company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway of a gauge of four feet eight and a half inches in width, from a point in or near the City of Winnipeg, in the Province of Manitoba, to Port Nelson, or some other point on the shores of Hudson's Bay, in the Keewatin Territory, either in a continuous line, or by utilizing the navigable waters along or near the said route for the purposes of transport, and to build, purchase, lease, charter or own steam or other vessels or ships for the purposes of transport on the route, or from the terminus of the said railway to Europe or elsewhere; and also to build the railway in sections as they require, under the provisions of "*The Consolidated Railway Act*, 1879."

Power to take and hold real estate.

3. The said Company may acquire land and water lot property for the purposes of their undertaking, and may acquire, under the provisions in that behalf of "*The Consolidated Railway Act*, 1879," and hold such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snow-drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands and water lots, as also the powers of the said Company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the section of the said Railway Act respecting lands and their valuation.

Provisional directors and their powers.

4 The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking; and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus of lands or money in aid of the railway or other purposes of the Company, with all such other powers as under "*The Consolidated Railway Act*, 1879," are vested in ordinary directors

Capital stock and shares.

5. The capital stock of the said Company shall be four million dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879,") to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates hereby authorized, and all the remainder of such money shall be applied to the making, equipping, completing, and maintaining of the said railway and other purposes of this Act.

Provision as to subscription of stock.

6. No subscription of stock in the capital of the said Company shall be legal or valid unless ten per cent. of the amount subscribed has been paid thereon within one month after subscription; and the said directors or a majority of them may, in their discretion, exclude any person or persons from subscribing who in their judgment would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it among the subscribers as they shall deem most advantageous and conducive to the furtherance of the under-

taking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the railway and the other purposes for which the Company is formed.

Company may receive grants.

7. The said Company may receive from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway or steamships, bonuses in lands, or loans or gifts of money, or securities for money.

First meeting of shareholders.

8. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent paid thereon for the purposes of the Company, the hereinbefore mentioned directors, or a majority of them, shall call a meeting of the shareholders of the said Company at such time and place as they may think proper, giving at least two weeks' notice in the *Canada Gazette*; at which meeting the shareholders shall elect nine directors from the shareholders possessing the qualifications hereinafter mentioned, which directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided.

Annual general meeting.

9. The annual general meeting of the shareholders for the election of directors and other general purposes shall be held at the City of Ottawa (or elsewhere as may be appointed by by-law), and on such day and at such hour as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published at the City of Ottawa.

Election of directors.

10. At such general meeting the subscribers for the capital stock assembled who shall have paid up ten per cent. thereof, with such proxies as may be present, shall choose nine persons to be directors of the said Company (of whom five shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and "*The Consolidated Railway Act*, 1879."

Qualification of director.

11. No person shall be elected a director of the said Company unless he be a shareholder holding at least twenty shares in the stock of the said Company, and shall have paid up all calls made thereon.

Calls.

12. No call to be made at any one time upon the said capital stock shall exceed ten per cent. on the subscribed capital, and at least thirty days' notice shall be given thereof.

Borrowing powers of the Company.

13. The directors of the said Company are hereby authorized to issue bonds under the seal of the Company, signed by the president or vice-president and countersigned by the secretary, and under the seal of the Company; and such bonds may be made payable in such manner and at

such place or places in Canada or elsewhere, and bearing such rate of interest, as the directors shall think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for the prosecuting the said undertaking: Provided, that the amount of said bonds shall not exceed thirty thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed.

Bonds may be made to bearer.

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

To be a first charge.

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

Company may become parties to promissory notes, &c.

16. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the president or vice-president of the Company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the Company; and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein enacted.

Equal rights of shareholders.

17. All shareholders in the said Company shall have equal rights to hold stock and vote on the same.

Powers of the Company as to navigation.

18. The Company may also build, purchase, acquire, charter or possess, work and operate steam and other vessels in any lakes, rivers or other navigable waters, as they may deem proper and expedient, in connection with their railway, and may do all and such things as are necessary for improving the navigation between any of such lakes and others of them; and for the purpose of connecting the means of transport between the said waters may construct a railway of wood, iron or steel, or a tramroad, between any of such lakes or rivers and others of them, and also around the rapids or any other obstruction of any of the said rivers, or

may construct a canal or canals to avoid the same wherever requisite, and may also for the purpose of facilitating the said undertakings and the traffic in connection therewith, purchase, build, fit, complete and charter, sell or dispose of, work, control and keep in repair, steam tugs, barges, steamboats and other vessels to ply in connection with the said railway or otherwise; also steamships or other vessels to sail from the Hudson's Bay to Europe or elsewhere, in connection with the said railway, or otherwise.

Power to take public lands.

19. The said Company may take and appropriate for their use any of the Dominion lands along the line of the said railway, or water communication which may be necessary for the works or railway of the said Company; and as important works and buildings will be required at a point at or near Lake Winnipeg, and also at or near Port Nelson, the Company are hereby authorized to survey and lay out at each of the above two points, or at any place within fifty miles of each of the said two points, or at such two places as will in the meantime be the terminus, a plot or piece of land not exceeding one thousand acres, and at each of the other stations along the line (not exceeding twenty in number) plots of land not exceeding one hundred acres each, and shall, upon furnishing descriptions of the said lands to the Dominion Lands Office, be entitled to receive patents therefor.

And to construct a telegraph and bridges.

20. The Company may also construct an electric telegraph line in connection with the railway or water communication; and may also erect and construct across any streams, rivers or lakes which may be in or near the route of the railway, a bridge or bridges where the same shall be necessary for the purposes of the railway, and may also cut on any of the Dominion lands, any timber required for ties, bridges or buildings, or for any other purpose for the use of the said Company and in the construction of the railway and other works.

Land for buildings, &c.

21. The said Company shall have power to purchase and hold such land as may be required for the purpose of building thereon storehouses, warehouses, elevators, engine-houses, and other erections for the uses of the said Company, and the same, or portion thereof, in their discretion, to sell or convey; and the Company shall have power to acquire any lands, or commence the construction of the railway, or do anything authorized by this Act, at any time after the passing of this Act.

Limitation of time.

22. The railway shall be commenced within five years and completed within ten years after the passing of this Act.

No. 46.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate "The Winnipeg and Hudson's Bay Railway and Steamship Company."

Received and read first time, Monday, 1st March, 1880.

Second reading, Tuesday, 2nd March, 1880.

(PRIVATE BILL.)

Mr. BANNERMAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1880.

No. 46.] **BILL.** [1880.

An Act to incorporate "The Winnipeg and Hudson's Bay Railway and Steamship Company."

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

Preamble.

WHEREAS the construction of a railway from the City of Winnipeg, in the Province of Manitoba, to Port Nelson, or some other point on the Nelson River or Hudson's Bay, at or near the Nelson River, in the Territory of Keewatin, either in a continuous line, or with power to the Company incorporated to construct the same to utilize the navigable waters along the said route for the purpose of transport, and to build and own or charter vessels for the said purpose, and also to build, own, purchase or charter steamships or other vessels for the purpose of transporting freight or passengers from the northern terminus of the said railway to Europe or elsewhere, would be of general advantage to the Dominion; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Andrew Willson Bell, William Bannerman, Charles Smith, William T. McLeod, Peter Johnston Brown, John C. Schultz, Hugh Ryan, John G Haggart, Joseph Riopelle, Hugh Sutherland, Alexander Barnet, and Edward Elliott, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Winnipeg and Hudson's Bay Railway and Steamship Company."

Corporate name.

Powers and business of the Company.

2. The said Company shall have full power and authority to lay out, construct and complete a railway of a gauge of four feet eight and a half inches in width, from a point in or near the City of Winnipeg, in the Province of Manitoba, to Port Nelson, or some other point on the shores of Hudson's Bay, at or near the Nelson River, in the Keewatin Territory, either in a continuous line, or by utilizing the navigable waters along or near the said route for the purposes of transport, and to build, purchase, lease, charter or own steam or other vessels or ships for the purposes of transport on the route, or from the terminus of

the said railway to Europe or elsewhere; and also to build the railway in sections as they may deem best, under the provisions of "*The Consolidated Railway Act*, 1879."

Power to take and hold real estate.

3. The said Company may acquire land and water lot property for the purposes of their undertaking, and may acquire, under the provisions in that behalf of "*The Consolidated Railway Act*, 1879," and hold such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snow-drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands and water lots, as also the powers of the said Company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the section of the said Railway Act respecting lands and their valuation.

Provisional directors and their powers.

4 The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the said Company, of whom four shall be a quorum, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking; and to receive payments on account of stock subscribed, and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada moneys received by them on account of stock subscribed.

Capital stock and shares.

5. The capital stock of the said Company shall be four million dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879,") to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates hereby authorized, and all the remainder of such money shall be applied to the making, equipping, completing, and maintaining of the said railway and other purposes of this Act.

Provision as to subscription of stock.

6. No subscription of stock in the capital of the said Company shall be legal or valid unless ten per cent. of the amount subscribed has been paid thereon within one month after subscription; and the said directors or a majority of them may, in their discretion, allocate and apportion the stock so subscribed among the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking.

Company may receive grants.

7. The said Company may receive from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway or steamships, bonuses in lands, or loans or gifts of money, or securities for money.

8. So soon as five hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and five per cent paid thereon for the purposes of the Company, the hereinbefore mentioned directors, or a majority of them, shall call a meeting of the shareholders of the said Company at the City of Ottawa at such time and place as they may think proper, giving at least two weeks' notice in the *Canada Gazette*, and in one or more of the papers published in the City of Winnipeg; at which meeting the shareholders shall elect seven directors from the shareholders possessing the qualifications hereinafter mentioned, which directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided. First meeting of shareholders.

9. The annual general meeting of the shareholders for the election of directors and other general purposes shall be held at the City of Ottawa (or elsewhere as may be appointed by by-law), and on such day and at such hour as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published at the City of Winnipeg. Annual general meeting.

10. At such general meeting the subscribers for the capital stock assembled who shall have paid up five per cent. thereof, shall choose seven persons to be directors of the said Company (of whom four shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and "*The Consolidated Railway Act*, 1879." Election of directors.

11. No person shall be elected a director of the said Company unless he be a shareholder holding at least twenty shares in the stock of the said Company, and shall have paid up all calls made thereon. Qualification of director.

12. No call to be made payable at any one time upon the said capital stock shall exceed ten per cent. on the subscribed capital, and at least thirty days' notice shall be given thereof. Calls.

13. The directors of the said Company, under the authority of the shareholders to them given, are hereby authorized to issue bonds under the seal of the said Company, signed by its president or other presiding officer, and countersigned by its secretary; and such bonds shall be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and bearing such rate of interest, as the Directors shall think proper, and the Directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of such bonds so issued, sold or pledged, shall not exceed twenty-five thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed, or under contract to be constructed: Provided also, that no such Borrowing powers of the Company. Proviso; amount limited.

bonds shall be issued until at least two hundred and fifty thousand dollars shall have been subscribed to the capital stock, and ten per centum of the same *bonâ fide* paid thereon;

May be secured by mortgage deed.

but notwithstanding anything in this Act contained, the Company may secure the bonds to be issued by them, by a mortgage deed creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future, or both, as shall be described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway; and by the said deed, the said Company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act, in respect of the said bonds, and all other powers and remedies not inconsistent with this Act; or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed, shall be valid and binding and available to the bondholders in manner and form as therein provided.

Bonds to be a first charge.

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

Certain rights of bondholders, if there is default.

15. If the said Company shall make default in paying the principal or interest of any of the bonds hereby authorized at the time when the same shall, by the terms of the bond, become due and payable, then at the next ensuing annual general meeting of the Company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall in respect thereof, have and possess the same rights and privileges and qualifications for directors and for voting at general meetings as would be attached to them as shareholders, if they had held fully paid up shares of the said Company to a corresponding amount: Provided, nevertheless, that the right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said Company; and for that purpose the Company shall be bound, on demand, to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Transfer of bonds.

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

Company may become parties to promissory notes, &c.

17. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the president or vice-president of the Company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the Company; and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein enacted.

Powers of the Company as to navigation.

18. The Company may also build, purchase, acquire, charter or possess, work and operate steam and other vessels in any lakes, rivers or other navigable waters, as they may deem proper and expedient, in connection with their railway, and may do all and such things as are necessary for improving the navigation between any of such lakes and others of them; and for the purpose of connecting the means of transport between the said waters may construct a railway or a tramroad, between any of such lakes or rivers and others of them, and also around the rapids or any other obstruction of any of the said rivers, or may construct a canal or canals to avoid the same wherever requisite, and may also, for the purpose of facilitating the said undertakings and the traffic in connection therewith, purchase, build, fit, complete and charter, sell or dispose of, work, control and keep in repair, steam tugs, barges, steamboats and other vessels to ply in connection with the said railway or otherwise; and may also build, purchase, acquire, lease, charter or possess, work and operate sea-going vessels and elevators, and if necessary may purchase grain and other freight to complete or make up the cargoes of such vessels, and the same may sell and dispose of.

And to construct a telegraph and bridges.

19. The Company may also construct an electric telegraph line in connection with the railway or water communication; and may also erect and construct across any streams, rivers or lakes which may be in or near the route of the rail-

way, a bridge or bridges where the same shall be necessary for the purposes of the railway.

Limitation of time.

20. The construction of railway shall be *bonâ fide* commenced within two years and completed within six years after the passing of this Act.

No. 46.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate "The Winnipeg and Hudson's Bay Railway and Steamship Company."

Reprinted as amended by Select Standing Committee on Railways, Canals and Telegraph Lines.

(PRIVATE BILL.)

Mr. BANNERMAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 47,] **BILL.** [1880.

An Act respecting the Great Western and Lake Ontario Shore Junction Railway Company.

Preamble.

WHEREAS the Great Western and Lake Ontario Shore Junction Railway Company have, by their petition, prayed for an extension of the time for the commencement and completion of their Railway, and that the Acts relating to the Company may be otherwise amended, and it is expedient to grant the prayer of such petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time extended.

1. The first section of the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered forty-eight, is hereby repealed, and the Railway shall be commenced within four years and be completed within six years from the passing of this Act.

Acts amended as to persons incorporated.

2. The first and fifth sections of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered eighty-eight, as amended by the second section of the said Act passed in the thirty-ninth year of Her Majesty's reign, are hereby further amended by substituting the name of Nicholas J. Power for that of William McGiverin, and the name of William S. Champ for that of Charles Percy, therein.

No. 47.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act respecting the Great Western and Lake Ontario Shore Junction Railway Company.

Received and read, first time, Monday, 1st March, 1880.

Second reading, Tuesday, 2nd March, 1880.

PRIVATE BILL.

Mr. CARLING.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 48.] **BILL.** [1880.

An Act to amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.

Preamble. C.S C., c. 68.

WHEREAS it is expedient to amend the Act being chapter sixty-eight of the Consolidated Statutes of the late Province of Canada, intituled "*An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams:*" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 59 repealed; new provision.

1. Section fifty-nine of the said Act is hereby repealed and the following substituted therefor:

Proportionate rates of toll.

"59. The tolls to be collected upon different kinds of timber shall bear to each other the following proportions, viz:

Red and White Pine, Tamarac, Spruce and Hemlock, square		per piece	1 ct.
Oak, Elm and other hard wood, square or flatted		"	1½
Spars		"	3
Masts		"	5
Sawlogs, 17 ft. and under		"	¼
Red and White Pine, Tamarac, Spruce, and Hemlock, round or flatted, over 17 ft. and under 25 ft. long		"	⅓
do	do 25 to 30 ft. long	"	5/12
do	do 35 ft. and upwards in length	"	½
Sawed lumber, per 1,000 ft. board measure			3
Staves, per 1,000			15
Firewood, shingle and other lumber, per cord			2

No. 48.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.

Received and read first time, Tuesday, 2nd March, 1880.

Second reading, Wednesday, 3rd March, 1880

Mr. WHITE,
(Renfrew.)

OTTAWA.

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 49.] **BILL.** [1880.

An Act to incorporate the Red River and Assiniboine Bridge Company.

WHEREAS the persons hereinafter named have petitioned for the passing of an Act to incorporate a Company, to be known as "The Red River and Assiniboine Bridge Company," with power to build a toll-bridge across the Red River, from some point within the limits of the City of Winnipeg, in the Province of Manitoba, to a point on the opposite bank of the said river, and also to build a toll bridge across the Assiniboine River from some point within the limits of the said City of Winnipeg to a point on the opposite bank of the said river Assiniboine, both of the said rivers being navigable rivers, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. C. S. Gzowski, Esquire, the Honorable D. L. Macpherson, the Honorable Alexander Morris, all of the City of Toronto in the Province of Ontario; Andrew Robertson, Thomas Cramp, A. W. Ogilvie and W. W. Ogilvie, Esquires, the Honorable Donald A. Smith and Charles J. Brydges, Esquire, all of the City of Montreal in the Province of Quebec; the Right Reverend Alexander Taché, Archbishop of Saint Boniface, the Honorable Marc Amable Girard, the Honorable Joseph Royal, A. A. C. LaRivière, and W. A. Baldwin, Esquires, all of the Parish of Saint Boniface in the Province of Manitoba; and the Honorable Andrew G. B. Bannatyne and Edward W. Jarvis, Arthur F. Eden, Thomas Scott, Joseph J. Hargrave, William Hespeler, Hugh S. Donaldson, Campbell Sweeney, John H. McTavish, William F. Alloway and John Farquhar Bain, Esquires, all of the City of Winnipeg in the said Province of Manitoba, together with such other persons and corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body politic and corporate, by the name of "The Red River and Assiniboine Bridge Company." Certain persons incorporated. Corporate name.

2. The said Company are hereby authorized to build, erect, construct, work, maintain and manage, a solid and sufficient toll-bridge for ordinary traffic purposes over the said Red River, from some point within the limits of the said City of Winnipeg to a point on the opposite bank of the river, and also to build, erect, construct, work, maintain and manage a solid and sufficient toll-bridge for ordinary traffic purposes Object and powers of company.

across the said Assiniboine River, from some point within the limits of the said City of Winnipeg to a point on the opposite bank of the river, and to erect and construct toll-houses and toll-gates, with other dependencies and approaches to or upon the said bridges; and also to do and execute all such other matters and things as shall be necessary, useful or advantageous, for erecting and constructing, keeping up and maintaining the said bridges and toll-houses and gates, and other dependencies, according to the true intent and meaning of this Act.

Capital stock and shares.

3. The capital stock of the said Company shall be one hundred thousand dollars, and shall be divided into one thousand shares of one hundred dollars each, to be paid at such times and in such instalments as the Directors of the Company may require and direct; and the said Corporation may, if they think it necessary, increase the capital stock to a sum not to exceed two hundred thousand dollars, and may increase the number of shares accordingly.

Provisional directors and their powers.

4. The said C. S. Gzowski, D L. Macpherson, Alexander Morris, Andrew Robertson, Thomas Cramp, A. W. Ogilvie, W. W. Ogilvie, Donald A. Smith, Charles J. Brydges, Right Reverend Alexander Taché, Marc Amable Girard, Joseph Royal, A. A. C. LaRivière, W. A. Baldwin, Andrew G. B. Bannatyne, Edward W. Jarvis, Arthur F. Eden, Thomas Scott, Joseph J. Hargrave, William Hespeler, Hugh S. Donaldson, Campbell Sweeney, John H. McTavish, William F. Alloway, and John Farquhar Bain are hereby constituted a Provisional Board of Directors of the said Company and shall hold office as such until the first election of directors under this Act, and shall have power and authority immediately after the passing of this Act, to open stock books and procure subscriptions of stock.

Ten per cent. to be paid on subscription of stock.

5. No subscription of stock in the said Company shall be legal or valid until ten per centum thereon shall have been actually and *bonâ fide* paid thereon; and the said Directors or a majority of them may, in their discretion, exclude any persons from subscribing who, in their judgment, would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act.

Equal rights of shareholders.

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

First meeting of shareholders.

7. So soon as twenty-five thousand dollars of the said stock shall have been subscribed, and ten per centum *bonâ fide* paid thereon, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the shareholders of the said Company, at such time and place as they may think proper, giving at least two weeks' notice thereof in the *Canada Gazette*, at which meeting the shareholders shall

elect Directors for the ensuing year, which Directors shall hold office until their successors are appointed.

Qualification of directors.

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

Board of directors.

9. The affairs of the Company shall be managed by a board of not less than *three* and not more than fifteen Directors.

Election of directors.

10. After the first election of Directors they shall thereafter be appointed by the shareholders in general meeting of the Company assembled at some place within the Dominion of Canada, at such times, and in such wise, and for such term, not exceeding two years, as the by-laws of the Company may prescribe, and at all meetings of the shareholders each shareholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy, and the Directors of the Company may also vote by proxy at any meeting of the Board, such proxy to be held by another Director; Provided that no more than two proxies be held by any one Director, and not less than *four* Directors shall be present in person at any meeting of the Board for the transaction of business.

Votes.

Proxies.

Proviso.

Vacancies, how filled.

11. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term by the Board, from among the qualified shareholders of the Company.

Powers of the directors.

12. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and to make or cause to be made for the Company any description of contract which the Company may by law enter into, and may from time to time make by-laws, not contrary to law, or to this Act, for all purposes connected with the affairs of the said Company, and may repeal, amend and re-enact the same : but every such by-law and every repeal, amendment or re-enactment thereof shall only have force until the next general meeting of the Company, unless at such general meeting the same shall be confirmed.

Special meetings.

13. The Directors, or a majority of them, shall have power to call special meetings of the shareholders at any time and place and in any manner they may decide.

Liability of shareholders limited.

14. Each shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid up thereon, and no more, but shall not be liable to an action therefor by any creditor, before an execution has been returned unsatisfied against the Company, in whole or in part, and the amount due on such execution, not exceeding the amount unpaid on his shares, as aforesaid, shall be the

amount recoverable, with costs, against such shareholder, and any amount so recoverable, being paid by the shareholder, shall be taken as paid on his shares.

Powers of company as to construction of bridge.

15. The said Company shall have full power and authority to erect, make and sink all such piers, abutments, blocks, and erections in the said Red and Assiniboine Rivers as may be deemed necessary, not only for the construction of the said bridges, or either of them, but such as may be required or thought desirable efficiently to protect them from effects of ice and ice freshets, or for any other purposes in connection with the said bridges that the said Company may see fit, and may build the necessary approaches thereto, into and upon the lands, streets, roads and grounds, lying and being on either side of the said rivers; and may cut, level, or raise the banks of the said rivers in such manner as may be deemed necessary or proper for building the said bridges, or either of them; and may cut, remove, take and carry away all and every impediment whatsoever which may in any way tend to hinder the erecting and completing the said bridges; and may execute all other things necessary, requisite, useful or convenient for erecting, building, working, maintaining and supporting the said bridges, toll-houses and toll-gates, and may, from time to time, enter and go in and upon the lands and grounds adjacent to the said rivers on either side thereof, for the purpose of making surveys, examinations or other neccessary arrangements for fixing the site of the said bridges or either of them.

Powers as to real property.

16. For the purpose of erecting, building, maintaining and supporting the said bridges, the said Company shall, from time to time, have full power and authority to take and use all land reasonably required on either side of the said rivers, and then to work up or cause to be worked up the materials and other things necessary for erecting, constructing, and repairing the said bridges accordingly; first, however, making reasonable compensation for the lands so to be taken or occupied, such compensation to be settled by arbitrators named, one by each party interested, and a third one by the two arbitrators so chosen.

Compensation.

Plan and site to be subject to approval of Governor in Council.

17. The said Company shall not commence the construction of either of the said bridges until they shall have submitted to the Governor-General in Council, plans of the bridge proposed to be built, nor until such plans and the site shall have been approved of by the Governor-General in Council.

Bridge, &c., vested in company.

18. The said bridges and the toll-houses, toll-gates and dependencies, and the ascents and approaches to the said bridges, shall be vested in the said Company, their successors and assigns forever.

Tariff of tolls.

19. When and so soon as the said bridges, or either of them, shall be erected, it shall be lawful for the said Company, from time to time, and at all times thereafter, to ask, demand, receive, take, sue for, and recover, to and for

their own proper use, benefit and behoof, for pontage before any passage over either of the said bridges is permitted, tolls not to exceed the several sums following for passage over either of the said bridges, that is to say :—

Foot passenger, each way, two cents.

Rider, with horse or mule, each way, six cents.

Loose animals, per head, except sheep, pigs and spring colts following the mares, five cents.

Sheep and pigs, per head, two cents.

Cart, carriage, wagon, buggy, sleigh, cutter, or other vehicle drawn by one animal, each way, twelve and one-half cents.

Cart, carriage, wagon, buggy, sleigh, cutter or other vehicle drawn by two or more animals, each way, twenty cents.

The above rates to include the *bonâ fide* loads of each vehicle.

Changes in tariff of tolls.

20. It shall be lawful for the said Company to diminish the said tolls, or any of them, and afterwards to augment the same, or any of them, so as not to exceed in any case the rates mentioned in the preceding section; Provided, however, that any tariff of tolls framed by the said Company shall first be submitted to, and be sanctioned by, the Governor-General in Council.

Tolls to belong to the company.

21. The said tolls shall be and the same are hereby vested in the said Company, their successors and assigns, for ever.

Penalty for forcible passage, &c.

22. If any person shall forcibly pass through any of the said toll-gates or over or upon either of the said bridges without first having paid the proper toll, or shall interrupt or disturb the said Company or any person or persons, employed by them in building or repairing the same, such person so offending shall for every such offence forfeit a sum not exceeding ten dollars, to be recovered before any Justice of the Peace, and in default of payment may, in the discretion of such Justice, be imprisoned in the common gaol for a period not exceeding ten days.

Draw or swing bridges to be constructed.

23. The said bridges shall be provided with draws or swings, or some such practicable arrangement so constructed as to allow sufficient space for the passage of steamboats, vessels, boats and rafts, which draw, or swing, or other arrangement shall at all times be worked and moved at the expense of said Company, their successors or assigns, so as not to hinder or delay unnecessarily the passage of any steamboats, vessels, boats or rafts.

No. 49.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate the Red River and Assiniboine Bridge Company.

Received and read, first time, Wednesday, 3rd March, 1880.

Second reading, Thursday, 4th March, 1880.

(PRIVATE BILL.)

Mr. WHITE,
(Cardwell.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 50.] **BILL.** [1880.

An Act to amend the Act to incorporate the Ontario and Pacific Junction Railway Company.

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

Preamble. 37 V., c. 74.

WHEREAS the Ontario and Pacific Junction Railway Company have, by their petition, prayed that the amount of mortgage bonds which may be issued under their Act of incorporation may be limited to the sum of twenty thousand dollars per mile, and that the route of their proposed line of railway may be further limited and defined, and it is expedient to grant the prayer of the said petition and otherwise to amend the Act incorporating the said Company: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 14 amended.

1. The fourteenth section of the Act of incorporation of the said Company, passed in the thirty-seventh year of the reign of Her Majesty, chaptered seventy-four, is hereby amended by substituting for the words "thirty thousand dollars per mile" the words "twenty thousand dollars per mile";

And by adding at the end of the said fourteenth section the following:—

"And the said Company may provide for the payment annually of a sum, by way of sinking fund, towards the payment of the principal of the said bonds, and such sinking fund may be invested in the re-purchase or redemption of the bonds of the said Company; and it shall be lawful for any other Railway Company or Companies whose line or lines can connect with the Railway hereby authorized, either directly or by means of running powers, to agree for the loan of its or their credit either by direct guarantee or traffic contract, or otherwise, to secure the payment of the interest or the sinking fund, or any part of the interest or sinking fund of such bonds."

Section 3 repealed.

2. The third section of the said Act is hereby repealed, and he following is substituted in lieu thereof:—

New section.

"3. The said Company shall have full power and authority to lay out, construct and complete a railway, of a gauge of four feet eight and one-half inches in width, from any point at or near Gravenhurst to any point at or near Lake Nipissing, so as to connect with the Canadian Pacific Railway or any railway to be built to reach the Ste. Marie River or Lake Superior."

Preferential stock may be issued.

3. There is hereby created, and the Ontario and Pacific Junction Railway Company may issue, preferential stock to the amount of one million dollars to rank after the bonds of the Company; and the holders of such preferential stock, or of so much thereof as may from time to time be issued under the provisions hereinafter contained, shall be entitled to rank for dividend out of the net profits of the said Company to an amount not exceeding six per cent. per annum upon such preferential stock, before any dividends shall become payable out of the profits of the said Company upon the ordinary share capital; and if at any time any surplus revenue applicable to dividend shall remain after the said ordinary stock has received six per cent. dividend, then such surplus shall be divided rateably between the holders of such preferential and ordinary stock.

How such stock shall be issued.

4. It shall be lawful for the Directors of the said Company to issue for the benefit of the said Company the preferential stock hereby created at such prices as shall be from time to time obtainable for the same, and in such amounts as the Directors may think proper, and to apply the proceeds of such issue to the general purposes of the said Company properly chargeable to capital account: Provided that no preferential stock shall be issued without the previous sanction of a special general meeting of the said Company.

Proviso.

Transfer of such shares and votes thereon.

5. The said preferential stock shall be, and shall have all the incidents of personal estate, and shall be transmissible and transferable in any quantities, as nearly as may be in the same manner and subject to the same regulations as the share capital of the said Company, and every hundred dollars thereof shall entitle the holder to one vote at general meetings, and two thousand dollars thereof shall qualify the holder thereof to be elected a Director of the said Company.

Payment for certain services in stock.

6. It shall be competent for the Directors of the said Company to issue as paid-up stock any ordinary stock, and, after sanction by the shareholders, any preferential stock and mortgage bonds of the Company, and allot and pay the same for right of way, plant, rolling-stock or material of any kind, and also for the services of contractors, engineers and other persons, whether Directors of the Company or otherwise, who may have been, are, or may be engaged in and about the prosecution of the proposed undertaking: Provided that no such stock or bonds shall be allotted to any Director or Directors of the said Company until the resolution authorizing the same shall have been made or confirmed at a meeting of the shareholders of the said Company.

Proviso.

No. 50.

2nd Session, 4th Parliament, 43 V

BILL

An Act to amend the Act to the Ontario and Pacifi Railway Company.

Reprinted as amended by the ing Committee on Railw and Telegraph Lines.

(PRIVATE BILL.

Mr. V

OTTAWA:

PRINTED BY MACLEAN, ROG

1880.

Reprinted

No. 50.] **BILL.** [1880.

An Act to amend the Act to incorporate the Ontario and Pacific Junction Railway Company.

Preamble. 37 V., c. 74.

WHEREAS the Ontario and Pacific Junction Railway Company have, by their petition, prayed that the amount of mortgage bonds which may be issued under their Act of incorporation may be limited to the sum of twenty thousand dollars per mile, and that the route of their proposed line of railway may be further limited and defined, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 14 amended.

1. The fourteenth section of the Act of incorporation of the said Company, passed in the thirty-seventh year of the reign of Her Majesty, chaptered seventy-four, is hereby amended by substituting for the words "thirty thousand dollars per mile" the words "twenty thousand dollars per mile."

Section 3 repealed.

2. The third section of the said Act is hereby repealed, and the following is substituted in lieu thereof:—

New section.

"**3.** The said Company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway, of a gauge of four feet eight and one-half inches in width from any place near Lake Nipissing, at which the Canadian Pacific Railway or any railway to be built or subsidized by the Canadian Government to reach the Ste. Marie River or Lake Superior, shall terminate or be located, in a southerly direction to connect with the railway system of Ontario."

No. 50.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Act to incorporate the Ontario and Pacific Junction Railway Company.

Received and read, first time, Wednesday, 3rd March, 1880.

Second reading, Thursday, 4th March, 1880.

(PRIVATE BILL.)

Mr. WILLIAMS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 51.] **BILL.** [1880.

An Act to amend the Act thirty-sixth Victoria, chapter one hundred and eight, intituled "An Act to grant additional powers to the Quebec and Gulf Ports Steamship Company."

Preamble.

WHEREAS the Quebec and Gulf Ports Steamship Company have by their petition represented that the name of the Company is no longer applicable, owing to the employment of their steamers in other trades than were contemplated at the organization of the Company; and that the extension of their business over a wider field renders it impossible to have a true and exact statement of the affairs of the Company ready to submit to the general meeting of the shareholders as early as the time named in the above mentioned Act, and have prayed that the name of the Company may be altered, and the time for holding the annual general meeting in each year extended, 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:

Name changed.

1. The name of the Quebec and Gulf Ports Steamship Company is hereby changed to the "Quebec Steamship Company."

Date of annual meeting

2. The annual general meeting of the shareholders of the Company shall be held on such legal day between the fourteenth day of February and the thirtieth day of April in each year, as the Directors by resolution at any general or special meeting may direct.

Provision as to suits.

3. All suits at law entered or pending by or against the Quebec and Gulf Ports Steamship Company before the passing of this Act shall be continued in the name of the Quebec and Gulf Ports Steamship Company.

Sect. 4 of Act Amended.

4. Section four of the said Act is hereby amended by inserting the words "and may at any subsequent meeting," after the word "Act," in the fourth line of the said section.

No. 51.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Act thirty-sixth Victoria, chapter one hundred and eight, intituled "An Act to grant additional powers to the Quebec and Gulf Ports Steamship Company."

Received and read first time, Wednesday, 3rd March, 1880.

Second reading, Thursday, 4th March, 1880.

(PRIVATE BILL.)

Mr. McGREEVY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 52.] **BILL.** [1880.

An Act to repeal Section Number Two of a certain Act intituled "*An Act to amend the Maritime Jurisdiction Act*, 1877."

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

1. Section two of the Act passed in the forty-second year of Her Majesty's reign, chapter forty, and intituled : "*An Act to amend the Maritime Jurisdiction Act*, 1877," is hereby repealed. Section 2 of 42 V., c. 40, repealed.

No. 52.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to repeal Section Number Two of a certain Act intituled "*An Act to amend the Maritime Jurisdiction Act*, 1877."

Received and read, first time, Wednesday, 3rd March, 1880.

Second reading, Thursday, 4th March, 1880.

Mr. SHAW.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 53.] **BILL.** [1880.

An Act respecting the Credit Valley Railway Company, and declaratory of the power of the Governor General in Council to control the alignment and disposition of the tracks of the Northern Railway within the City of Toronto.

Preamble.

WHEREAS the Credit Valley Railway Company of Ontario applied to the Department of the Interior for and obtained a license of occupation, dated the twenty-second day of July, one thousand eight hundred and seventy-nine, granting to the said Company the right to lay the track of their said railway from Queen Street to Bathurst Street in the City of Toronto on and over a portion of the Ordnance Reserve claimed by the Northern Railway Company of Canada as their exclusive property; and whereas the said the Northern Railway Company have refused to allow the said Credit Valley Railway Company to occupy any portion of the said Ordnance Reserve so claimed by them, and have invoked the interference of the Court of Chancery of Ontario in their behalf; and whereas, by an Act being chapter eighty-nine of the Statutes passed by the Legislature of the late Province of Canada in the twenty-second year of Her present Majesty's reign, and in the year of Our Lord one thousand eight hundred and fifty-nine, the railway property and corporate rights of the said Northern Railway Company were vested in the Crown for the purposes therein mentioned; and whereas, by an Order in Council made pursuant to the last mentioned Act, on the twelfth day of May, one thousand eight hundred and fifty-nine, it was ordered that the said railway property and rights should be re-vested in the said Company on the conditions therein mentioned; and whereas, by an Act being chapter one hundred and five of the Statutes passed by the said Legislature, in the twenty-third year of Her present Majesty's reign the said Order in Council was confirmed; and whereas in and by the said Order in Council, the Governor in Council reserved complete control and direction of the station and grounds in the city of Toronto occupied by the said Company, as well as the alignment and disposition of the tracks of the said railway leading into and within the said city, with the view of completing such arrangements as might be deemed expedient by the Government for effecting proper connections with the other Provincial railways in the said city; and whereas by an Act of the Parliament of Canada, passed in the thirty-eighth year of her present Majesty's reign and chaptered sixty-five, the various Acts relating to the said Northern Railway Company were consolidated, and it was

declared in the said Act that the said previous Acts should stand repealed, but it was at the same time provided that every right acquired and every obligation undertaken or incurred previous to the repeal thereby made should be saved; and whereas doubts have arisen as to the effect of the said last recited Act upon the power reserved to the Governor in Council to control the alignment and disposition of the tracks of the said Northern Railway Company leading into and within the said city, as well as the power of directing arrangements for effecting proper connection with other provincial railways in the said city; and whereas it is expedient to remove such doubts and to declare that it was not the intention in and by the said last recited Act to deprive the Governor in Council of the complete control of the said station and other ground of the said Northern Railway Company, occupied by them in the said city; and whereas it is also expedient, in the interest of the trade and commerce of the Province of Ontario, to give to the said Credit Valley Railway Company the right to continue their track from Queen Street to the water lots, acquired by the said Credit Valley Railway Company, between Simcoe and John streets, in the said city, and to empower them to enter upon the lands of any railway or other corporation and to occupy with their track so much of the said lands as shall be necessary for that purpose: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Governor declared to have control of certain lands in Toronto.

1. It is hereby declared that the Governor General in Council had and has the complete control of the station and other ground in the city of Toronto occupied by the Northern Railway Company, as well as the alignment and disposition of the tracks of the said railway leading into and within the said city, and the power of making such arrangements as the Governor General in Council may deem expedient to enable other railways to gain access into the said city, and to form proper connections with existing lines of railway therein.

Extension of C. V. railway.

2. It shall be lawful for the said Credit Valley Railway Company to enter upon the lands of any railway or other corporation within the said city, and to take so much of the land of the said corporation as shall be necessary for the track of their railway to enable them to continue the same from Queen Street to their water lots between Simcoe and John streets, in the said city of Toronto, subject to the conditions and terms of compensation hereinafter provided for.

Survey and location of line.

3. The Governor in Council may direct an engineer to survey and locate the line to be followed by the said Credit Valley Railway Company, from Queen Street to the said water lots in the said city, and for that purpose to direct the shifting and disposition of the tracks of the other railway companies in the said city as shall be found to be necessary and most convenient for the operation of all the said railways.

Compensation for lands taken.

4. The said Credit Valley Railway Company shall pay a reasonable money compensation for any lands so taken by them under the provisions of this Act, to the corporation or person owning the same; and if within ten days after the service of a notice, which shall be in the form and similar to the notice required under "*The Consolidated Railway Act*, 1879," section nine and sub-section twelve, the opposite party does not notify the said Credit Valley Railway Company of his acceptance of the sum offered by them or notify to them the name of a person whom he appoints as arbitrator, then a Judge of any one of the Superior Courts of Ontario, on the application of the said Credit Valley Railway Company, shall appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the said lands; and if the said opposite party name an arbitrator, then such arbitrator and the arbitrator named by the said Credit Valley Railway Company shall proceed to assess and determine the amount of compensation to be paid by the said Credit Valley Railway Company for the said land; and in case of their failing to agree upon their award, the said arbitrators shall appoint a third arbitrator, and the award of any two of the said arbitrators shall be final and binding upon all the said parties; and if the said arbitrators cannot agree upon the appointment of the said third arbitrator, the Minister of Railways and Canals for the Dominion of Canada shall, on the application of the party or the Credit Valley Railway Company, appoint one of the official arbitrators to be a third arbitrator.

Arbitration in case of disagreement.

As to land not vested in party in occupation.

5. The arbitrators, in deciding on such value or compensation, are authorized and required in cases where the fee to the lands sought to be taken by the said Credit Valley Railway Company is not vested in the party or corporation in the possession or occupation of the same, to allow only the actual cost of the improvements made by the parties so in occupation or possession of the same, and the compensation awarded shall be the proportion of such total cost expended on the portion of land sought to be taken by the said Credit Valley Railway Company.

When company may take possession.

6. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon payment into court of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the Company the power forthwith to take possession of the lands or to exercise the rights or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, a Judge of one of the Superior Courts of Ontario may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the County of York, or to a bailiff, as he may deem most suitable, to put the Company in possession and to put down such resistance or opposition, which the sheriff or bailiff taking with him sufficient assistance shall accordingly do.

Provision in case of resistance.

Immediate possession may be granted.

7. Such warrant may also be granted by any such judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice is necessary to carry on some part of the railway with which the Credit Valley Railway Company are ready forthwith to proceed.

Notice to be given in such case.

8. But no judge shall grant any warrant under the preceding section unless ten days' previous notice of the time and place when and where application for its granting will be made to him, has been served upon the corporation or the party empowered to convey the land or interested in the land sought to be taken, or which may suffer damage from the exercise of the power sought to be exercised, or the doing of the thing sought to be done by the Credit Valley Railway Company; and such notice shall contain a declaration of readiness on the part of the Credit Valley Railway Company to pay some certain sum or rent, as the case may be, as compensation for such lands or such damage; nor shall any judge grant such warrant except upon the said Company giving security to his satisfaction by deposit in a chartered bank indicated by him to the credit of the said Credit Valley Railway Company and such corporation or party jointly of a sum larger than his estimate of the probable compensation and not less than double the amount set out in such notice first above mentioned; and the costs of the application to and hearing before the judge shall be borne by the Credit Valley Railway Company, unless the compensation awarded shall be less than they had declared their readiness to pay; and no part of such deposit, or any interest thereon, shall be repaid to the said Credit Valley Railway Company, or paid to such corporation or party, without an order from such judge, which he shall have power to make in accordance with the terms of the award.

And security furnished.

Costs.

Compensation to stand in lieu of lands.

9. The compensation for any lands which might be taken without the consent of the corporation or other person owning the same, shall stand in the stead of such lands, and any claim to or encumbrance upon the said lands or any portion thereof, shall, as against the said Credit Valley Railway Company, be converted into a claim to the compensation or a like portion thereof, and they shall be responsible accordingly whenever they have paid such compensation or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party.

Payment into court in certain cases.

10. If the Credit Valley Railway Company has reason to fear any claims or incumbrances, or if any corporation or party to whom the compensation or annual rent or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if for any other reason the Company deems it advisable, the Company may pay such compensation into the office of one of the Superior Courts of the Province of Ontario, with interest thereon for six months, and may deliver to the Clerk of the Court an authentic copy of the conveyance, or the award or agreement, if there be no conveyance, and such award or agreement shall thereafter be

deemed to be the title of the said Credit Valley Railway Company to the land therein mentioned.

11. A notice in such form and for such time as the Court directs, shall be inserted in some newspaper published in the city of Toronto, which shall state that the title of the said Credit Valley Railway Company, that is the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land or any part thereof, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands or any parts thereof, including dower as well as mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation and for the securing the rights of all parties interested as to right and justice and according to the provisions of this Act and to law appertain. Claims to be fyled. Distribution of eompensation.

12. The costs of the proceedings or any part thereof shall be paid by the Credit Valley Railway Company or by any other party, as the Court may order. Payment of costs.

No. 53.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act respecting the Credit Valley Railway Company.

Received and read, first time, Thursday, 4th March, 1880.

Second reading, Friday, 5th March, 1880.

(PRIVATE BILL.)

Mr. HAGGART.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.

1880.

Reprinted

No. 54.] **BILL.** [1880.

An Act to incorporate the Canadian Telegraph Company.

WHEREAS John Fisken, John Withrow, Andrew Scott Irving, Theodore E. Leeds, and Erastus Wiman, have by their petition represented that they are desirous of being incorporated under the name of "The Canadian Telegraph Company," for the purpose of constructing a new line of Electric Telegraph throughout the Dominion of Canada, in connection with the telegraph wires of the United States and of the world generally, with the extended powers hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. John Fisken, John Withrow, Andrew Scott Irving, Theodore E. Leeds, and Erastus Wiman, and their associates, and all other persons who are now or may hereafter become stockholders in the company to be by this Act incorporated, are hereby constituted a body politic and corporate by the name of "The Canadian Telegraph Company;" and the head office of the said Company shall be in the City of Toronto in the Province of Ontario. Certain persons incorporated.

2. If however, the provisional or other Directors for the time being, appointed as hereinafter provided, at any time desire to remove the head office from Toronto to any other place in Canada, or, from time to time, to remove the said head office from one place in Canada to another, they shall have power to do so by a resolution or resolutions to such effect, which said resolution or resolutions shall be forthwith published in the *Canada Gazette* for a period of eight weeks thereafter; and upon and from the last of such publications the said head office shall be thereby and thereafter transferred and removed, in accordance with the terms of any resolution or resolutions so published. Removal of head office.

3. The said Company shall have power to establish, construct, manufacture, purchase, lease or work any line or lines of Telegraph or other apparatus of a similar nature, from and to any place or places in the Dominion of Canada, either by land or water, over which exclusive telegraph line rights do not now exist by any law of the Dominion or of any Province of the Dominion, and from and to any place or places without the Dominion of Canada, and to make connection with the line or lines of any telegraph company in the United States of America or elsewhere, and also to borrow such sum of money not exceeding the amount of the paid up Powers and objects of the company. Borrowing powers.

capital of the Company, as the Directors shall deem necessary, and to issue bonds therefor which shall be a first charge upon the whole lines, works and plant of the Company, in such sums and at such rate of interest, and payable at such times, as the Directors shall determine, for the purpose of carrying out any of the objects or purposes of this Act.

Where and how line may be built.

4. The said Company may lay down, erect and maintain such line or lines of Telegraph along the sides of and across any public highways, bridges, water-courses, lakes, or other such places, or under any navigable rivers, lakes or waters either wholly in Canada or dividing Canada from any other country, and more particularly across Lake Superior from Sault St. Marie to Thunder Bay or any other place or shores of the said lake, provided the said Company shall not interfere with the public right of travelling thereon; and may enter upon any lands or places, and survey, set off and take such parts thereof as may be necessary for such lines of Telegraph; and in case of disagreement between the said Company and any owner or occupier of lands which the said Company may take for the purposes aforesaid, or in respect to any damage done to the same by constructing the line or lines through or upon the same, the said Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter in difference of any two of them, in writing, shall be final; and if the said owner or occupier, or the agent of the said Company, neglects or refuses to choose an arbitrator within four days after notice in writing, from the opposite party to him and upon proof of personal service of such notice, or if such two arbitrators, when duly chosen, disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Minister of Public Works, for the time being, to nominate any such arbitrator or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided.

Arbitration in case of disagreement.

Power to purchase or lease telegraph lines.

5. The said Company shall have power and authority to purchase or lease for any term of years any telegraph line established or to be established either in Canada or in any other British possession, or in the territory or territories of any foreign power or state, connecting or hereafter to be connected with the line which the Company is authorized to construct; or to purchase or lease, for any term of years, the right of any company to construct any such telegraph or telephone line; and shall also have power and authority to amalgamate with or to lease their line or any portion or portions thereof, from time to time to any company, board or persons possessing as proprietors any line of telegraphic or telephone communication connecting or to be connected with the Company's line, either in Canada, in any other British Possession, or in the territory of any foreign state or power, whether on the Continent of America or in any other part of the world, and also to enter into any arrangements with any person, board or company, possessing as proprietors any line of telegraphic or telephone com-

munication, or any power or right to use communication by means of the telephone or other similar apparatus, upon such terms and in such manner as the Board of Directors may from time to time deem expedient or advisable.

Powers as to construction of lines.

6. The said Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic, corporate and collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended line or lines, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended telegraph and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended telegraph or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act ; and to build, erect and set up, in or upon such lands, such and so many station-houses and observatories, watch-houses and other works, ways, roads and conveniences, as and where the said Company shall think requisite and convenient for the purposes of the said telegraph ; And also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works upon or across any non-navigable rivers or brooks for the making, using, maintaining and repairing the said intended telegraph ; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for making, effecting, extending, preserving, improving, completing, and easy using of the said intended telegraph and other works, in pursuance of and according to the true intent and meaning of this Act ; and whensoever and wheresoever the said line or lines shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said telegraph upon which such trees and underwood may be, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction, wherever required so to do, to the owners or proprietors of or the persons interested in the lands, tenements, or hereditaments, water, water-courses, brooks or rivers, respectively, which shall be taken, used, removed or prejudiced, or woods in which trees or underwood shall be cut down, or for all damages to be by them sustained in or by the execution of all or any of the powers of this Act : Provided always, that the said Company shall not cut down or mutilate any tree

Trees may be cut down.

Proviso : as to fruit or shade trees.

planted or left standing for shade or ornament or any fruit tree.

Further powers as to construction.

7. The said Company shall have full power and authority to set up posts for supporting the wires of the said telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wire under the surface thereof, or of any navigable or other water, and such posts, and wires and other apparatus therewith connected, shall be the property of the said Company, as shall also all such posts or poles or apparatus as shall be set up or carried under the surface of land or water by the said Company for the purposes aforesaid, although the lands or waters on which the same are set up or carried under the surface, be not the property of the said Company.

Capital stock and shares.

8. The capital of the said Company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each ; and the said capital may be increased, from time to time, by resolution of the Central Board of Directors, by and with the consent of a majority in value of the shareholders present in person or represented by proxy at any general meeting or at any special meeting of shareholders called for the purpose ; but such capital shall at no time be made to exceed two million dollars.

Provisional directors.

9. John Fisken, John Withrow, Andrew Scott Irving, Theodore E. Leeds, and Erastus Wiman are hereby constituted the Board of Provisional Directors of the said Company, and shall hold office as such until other Directors shall be elected by the shareholders, in the manner hereinafter provided.

Powers of directors.

10. The Directors of the Company shall have power and authority to open stock books and to procure subscriptions for the undertaking, to make calls upon the subscribers, and to cause surveys and plans to be executed.

Rights of shareholders.

11. Every subscriber to, or holder of any of the stock of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company

Directors and their qualification.

12. The affairs of the Company shall be managed by a Board of Directors, to consist of nine members, and each such Director shall be proprietor of at least twenty shares in the stock of the Company, and they shall be elected and hold office as hereinafter provided.

Equal rights of shareholders.

13. Aliens shall have equal rights with British subjects to take stock, to vote, and to be eligible to office in the said Company ; and no shareholder shall be liable beyond the extent of the stock subscribed by him, for any debt contracted by the Company.

14. The Directors shall appoint one of their number to act as President, and another to act as Vice President; and may appoint such other officers and agents as they shall deem necessary; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices; three of the Directors shall form a quorum, and all questions shall be decided by a majority of votes of the Directors present, and upon every equal division the President, or the Chairman for the time being, shall give his casting vote in addition to the vote previously given by him as one of the Directors; and the Directors may appoint honorary or local Directors, if they think proper so to do, at any time.

Appointment of officers.

Quorum.

15. The Directors of the said Company for the time being, may open, or cause to be opened, stock-books for the subscription of parties desiring to become shareholders in the capital stock of the said Company, in such places as they shall think fit, and may make such shares payable in such manner as they shall see fit, and may make the dividends thereon payable at such place or places as to such Directors shall from time to time seem fit; and from time to time may appoint agents of the said Company in or out of Canada, and may delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and may make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of shares, and as to the mode, time, place or places of the transfer of such shares, and as to the mode, time, and place of paying the dividends from time to time to accrue thereon, and otherwise, as shall be deemed requisite or beneficial, for giving full effect to the powers hereby vested in the Directors of the said Company in respect of issuing such shares.

Powers of the directors.

16 The said Directors shall hold office until the first annual meeting of the stockholders of the Company after the passing of this Act, and at all meetings of the stockholders each share shall entitle the holder to one vote, which may be given either in person or by proxy.

Term of office of directors.

Votes by proxy.

17. On the second Tuesday of the month of January, in each year, or on such other day as the Directors shall by any by-law, from time to time, appoint, there shall be held a general meeting for the election of Directors at the town or city where the Company shall have its head office, and one month's notice of every such meeting shall be given by the Directors in one or more newspapers published in the city where the said office shall be; and at every such general meeting the Directors in office, or any of them, may be re-elected.

Annual general meeting.

18. Special general meetings of the shareholders of the said Company may be held at such places in the town or city where the Company shall have its head office, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company, and

Special general meetings.

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

May be called by shareholders.

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

Vacancies.

20. Whenever one or more of any such Directors die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or persons so dying or resigning.

By-laws may be made.

21. The Directors may, from time to time, make, alter, amend or repeal such regulations and by-laws as may be necessary for the management of the affairs of the Company generally.

Calls on stock.

22. The Directors may require payments of subscriptions to the said capital stock, at such times and in such proportions as they may deem proper, under the penalty of forfeiture of such stock and previous payments thereon; and the said Company may sue for and recover all such subscriptions; notice of the times and places of such payments shall be published for four weeks previous to such times, at least once in each week, in the *Canada Gazette*, and in such other newspapers as the Directors may think proper.

Stock to be personal estate.

Proviso: as to transfers.

23. All and every the shares in the capital stock of the said Corporation, and all profits and advantages thereof, shall be deemed to be personal estate, and shall be transferable and transmissible as such; Provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; and provided also, that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, such stockholder shall cease to be a member of the said Corporation.

Despatches to be transmitted in order,

24. It shall be the duty of the Company (subject to the provision in the next following section) to transmit all despatches in the order in which they are received, under a

penalty of not less than twenty nor exceeding one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order; and the said Company shall have full power to charge for the transmission of such despatches, and to receive, collect and recover such rates of payment as shall be from time to time fixed by by-laws made by the Directors.

As to Government despatches.

25. Provided that any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of justice or any person thereunto authorized by the Secretary of State of Canada.

Penalty for divulging contents of despatch.

26. Any operator of the said telegraph line, or person employed by the telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Penalty for injury of property.

27. Any person who shall wilfully or maliciously injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, or in any way obstruct the working of the said line of telegraph, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be liable to be punished in the manner by law provided for such offence.

Powers of certain other companies conferred on the company

28. The powers, privileges and franchises conferred upon the Montreal Telegraph Company or the Dominion Telegraph Company under their respective Acts of incorporation or any other Acts amending the same, not inconsistent with the provisions of this Act, shall be and are hereby extended to and may, by the Company, be exercised and enjoyed in all parts and within the limits of the Dominion of Canada, as fully and amply to all intents and purposes as if the clauses and provisions granting the same were contained in this Act.

No. 54.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate the Canadian Telegraph Company.

Received and read first time, Thursday, 4th March, 1880.

Second reading, Friday, 5th March, 1880.

(PRIVATE BILL.)

Mr. McCARTHY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1880.

No. 54.] **BILL.** [1880.

An Act to incorporate the Canadian Telegraph Company.

[*Reprinted as amended by the Sub-Committee of the Select Standing Committee on Railways, Canals and Telegraph Lines.*]

Preamble.

WHEREAS John Fisken, John Withrow, Andrew Scott Irving, Theodore E. Leeds, and Erastus Wiman, have by their petition represented that they are desirous of being incorporated under the name of "The Canadian Telegraph Company," for the purpose of constructing a line of Electric Telegraph throughout the Dominion of Canada, in connection with the telegraph wires of the United States and of other countries with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated

1. John Fisken, John Withrow, Andrew Scott Irving, Theodore E. Leeds, and Erastus Wiman, and their associates, and all other persons who may hereafter become stockholders in the Company to be by this Act incorporated, are hereby constituted a body politic and corporate by the name of "The Canadian Telegraph Company;" and the head office of the said Company shall be in the City of Toronto in the Province of Ontario.

Removal of head office.

2. If however, the provisional or other Directors for the time being, appointed as hereinafter provided, at any time desire to remove the head office from Toronto to any other place in Canada, or, from time to time, to remove the said head office from one place in Canada to another, they shall have power to do so if so authorized by a resolution or resolutions to such effect, adopted at a meeting of the shareholders specially called for that purpose, which said resolution or resolutions shall be forthwith published in the *Canada Gazette*, and in two daily newspapers published in the cities of Montreal and Toronto, for a period of eight weeks thereafter; and upon and from the date of the last of such publications the said head office shall be thereby and thereafter transferred and removed, in accordance with the terms of any resolution or resolutions so published.

Powers and objects of the company.

3. The said Company shall have power to establish, construct, purchase, lease or work any line or lines of Telegraph from and to any place or places in the Dominion of Canada, either by land or water, over which exclusive telegraph line rights do not now exist by any law of the Domin-

ion or of any Province of the Dominion, and from and to any place or places without the Dominion of Canada, and to make connection with the line or lines of any telegraph company in the United States of America or elsewhere, and also to borrow such sum of money not exceeding the amount of the paid up capital of the Company, as the Directors shall deem necessary, and to issue bonds therefor which shall be a first charge upon the whole lines, works and plant of the Company, in such sums and at such rate of interest, and payable at such times, as the Directors shall determine, for the purpose of carrying out any of the objects or purposes of this Act.

Borrowing powers.

Where and how line may be built.

4. The said Company may lay down, erect and maintain such line or lines of Telegraph along the sides of and across any public highways, bridges, water-courses, lakes, or other such places, or under any navigable rivers, lakes or waters either wholly in Canada or dividing Canada from any other country, and more particularly across Lake Superior from Sault St. Marie to Thunder Bay or any other place on the shores of the said lake, provided the said Company shall not interfere with the public use thereof; and may enter upon any lands or places, and survey, set off and take such parts thereof as may be necessary for such lines of Telegraph; and in case of disagreement between the said Company and any owner or occupier of lands which the said Company may take for the purposes aforesaid, or in respect of any damage done to the same by constructing the line or lines through or upon the same, the said Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter in difference of any two of them, in writing, shall be final; and if the said owner or occupier, or the said Company, neglects or refuses to choose an arbitrator within ten days after notice in writing, from the opposite party to him and upon proof of personal service of such notice, or if such two arbitrators, when duly chosen, disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Minister of Public Works of Canada, for the time being, to nominate any such arbitrator or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided.

Arbitration in case of disagreement.

Power to purchase or lease telegraph lines.

5. The said Company shall have power and authority to purchase or lease for any term of years any telegraph line established or to be established either in Canada or in any other British possession, or in the territory or territories of any foreign power or state, connecting or hereafter to be connected with the line which the Company is authorized to construct; or to purchase or lease, for any term of years, the right of any company to construct any such telegraph line; and shall also have power and authority to amalgamate with or to lease their line or any portion or portions thereof, from time to time to any company, board or persons possessing as proprietors any line of telegraphic communication connecting or to be connected with the Company's line, either in Canada, in any other British Possession,

or in the territory of any foreign state or power, whether on the Continent of America or in any other country, and also to enter into any arrangements with any person, board or company, possessing as proprietors any line of telegraphic or telephone communication, or any power or right to use communication by means of the telephone or other similar apparatus, upon such terms and in such manner as the Board of Directors may from time to time deem expedient or advisable, and may also use their telegraphic lines for telephone purposes ; but no lease or agreement of amalgamation shall be made without the consent of the shareholders at a special general meeting thereof called for the purpose.

Powers as to construction of lines.

6. The said Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic, corporate and collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said line or lines, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said telegraph line and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said telegraph line or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said telegraph line or works or incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act ; and to build, erect and set up, in or upon such lands, such and so many station-houses and observatories, watch-houses and other works, ways, roads and conveniences, as and where the said Company shall think requisite and convenient for the purposes of the said telegraph line ; And also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works upon or across any non-navigable rivers or brooks for the making, using, maintaining and repairing the said telegraph line ; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for making, effecting, extending, preserving, improving, completing, and easy using of the said telegraph line and other works, in pursuance of and according to the true intent and meaning of this Act ; and whensoever and wheresoever the said line or lines shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said telegraph line upon which such trees and underwood may be, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction, wherever

Trees may be cut down.

required so to do, to the owners or proprietors of or the persons interested in the lands, tenements, or hereditaments, water, water-courses, brooks or rivers, respectively, which shall be taken, used, removed or prejudiced, or woods in which trees or underwood shall be cut down, or for all damages to be by them sustained in or by the execution of all or any of the powers of this Act, the amount to be paid as such satisfaction to be established and adjusted by arbitrators to be appointed as in section four : Provided always, that the said Company shall not cut down or mutilate any tree planted or left standing for shade or ornament or any fruit tree.

Proviso: as to fruit or shade trees.

Further powers as to construction.

7. The said Company shall have full power and authority to set up posts for supporting the wires of the said telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wire under the surface thereof, or of any navigable or other water, but without interfering with or impeding the free public use of such road, street, highway or water, and such posts, and wires and other apparatus therewith connected, shall be the property of the said Company, as shall also all such posts or poles or apparatus as shall be set up or carried under the surface of land or water by the said Company for the purposes aforesaid, although the lands or waters on which the same are set up or carried under the surface, be not the property of the said Company.

Capital stock and shares.

8. The capital of the said Company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each ; and the said capital may be increased, from time to time, by resolution of the Board of Directors, by and with the consent of a majority in value of the shareholders present in person or represented by proxy at any annual meeting or at any special meeting of shareholders called for the purpose ; but such capital shall at no time be made to exceed two million dollars.

Provisional directors.

9. John Fisken, John Withrow, Andrew Scott Irving, Theodore E. Leeds, and Erastus Wiman are hereby constituted the Board of Provisional Directors of the said Company, and shall hold office as such until other Directors shall be elected by the shareholders, in the manner hereinafter provided.

Powers of directors.

10. The Provisional Directors of the Company shall have power and authority to open stock books and to procure subscriptions for the undertaking, and to cause surveys and plans to be executed.

First meeting of shareholders.

11. So soon as shares to the amount of one hundred thousand dollars of the capital stock of the said Company shall have been subscribed and paid into some of the chartered banks to be designated by the Provisional Directors, which shall on no account be withdrawn therefrom unless for the service of the Company, the Provisional Directors shall call

a general meeting of the subscribers to the said capital stock for the purpose of electing Directors of the said Company, and at such meeting nine Directors shall be elected for the administration of the affairs of the shareholders.

Rights of shareholders.

12. Every subscriber to, or holder of any of the stock of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company.

Directors and their qualification.

13. The affairs of the Company shall be managed by a Board of Directors, to consist of nine members, and each such Director shall be proprietor of at least twenty shares in the stock of the Company, and the Directors shall be elected and hold office as hereinafter provided.

Equal rights of shareholders.

14. Aliens shall have equal rights with British subjects to take stock, to vote, and to be eligible to office in the said Company; and no shareholder shall be liable beyond the extent of the stock subscribed by him, for any debt contracted by the Company.

Appointment of officers.

15. The Directors shall appoint one of their number to act as President, and another to act as Vice President; and may appoint such other officers and agents as they shall deem necessary; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices; five of the Directors shall form a quorum, and all questions shall be decided by a majority of votes of the Directors present, and upon every equal division the President, or the Chairman for the time being, shall give his casting vote in addition to the vote previously given by him as one of the Directors; and the Directors may appoint honorary Directors, if they think proper so to do, at any time.

Quorum.

Powers of the directors.

16. The Directors of the said Company for the time being, may open, or cause to be opened, stock-books for the subscription of parties desiring to become shareholders in the capital stock of the said Company, in such places as they shall think fit, and may make such shares payable in such manner as they shall see fit, and may make the dividends thereon payable at such place or places as to such Directors shall from time to time seem fit; and from time to time may appoint agents of the said Company in or out of Canada, and may from time to time make, repeal and amend such by-laws, rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of shares, and as to the mode, time, place or places of the transfer of such shares, and as to the mode, time, and place of paying the dividends from time to time to accrue thereon, and as to such other matters for the due administration of the affairs of the Company as shall be deemed requisite or beneficial, for giving full effect to the powers hereby vested in the Directors of the said Company in respect of issuing such shares; but every such by-law, and every

repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the shareholders duly called for that purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force.

Term of office of directors.

17. The said Directors shall hold office until the first annual meeting of the shareholders of the Company after the passing of this Act, and at all meetings of the shareholders each share shall entitle the holder to one vote, which may be given either in person or by proxy, which proxy shall always be a shareholder.

Votes by proxy.

Annual general meeting.

18. On the second Tuesday of the month of January, in each year, or on such other day as the Directors shall by any by-law, from time to time, appoint, there shall be held a general meeting for the election of Directors at the town or city where the Company shall have its head office, and one month's notice of every such meeting shall be given by the Directors in one or more newspapers published in the city where the said office shall be; and at every such general meeting the Directors in office, or any of them, may be re-elected.

Special general meetings.

19. Special general meetings of the shareholders of the said Company may be held at such places in the town or city where the Company shall have its head office, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company, and after at least fifteen days' public notice thereof, inserted in two daily newspapers published in each of the cities of Montreal and Toronto, shall have been first given.

May be called by shareholders.

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

Vacancies.

21. Whenever one or more of any such Directors die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or persons so dying or resigning.

Calls on stock.

22. The Directors may require payments of subscribed stock at such times and in such proportions as they may deem best, so that no call shall exceed ten per cent. of the amount subscribed, or be made upon less than sixty days' notice, and at least sixty days subsequent to the preceding call; failure to pay calls shall entail forfeiture, as may be provided for by by-law, but forfeited shares shall be disposed of by public auction and after public notice for a term of not less than four weeks.

Stock to be personal estate.

Proviso: as to transfers.

23. All and every the shares in the capital stock of the said Corporation, and all profits and advantages thereof, shall be deemed to be personal estate, and shall be transferable and transmissible as such; Provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose.

Despatches to be transmitted in order.

24. It shall be the duty of the Company (subject to the provision in the next following section) to transmit all despatches in the order in which they are received, under a penalty of not less than twenty nor exceeding one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order; and the said Company shall have full power to charge for the transmission of such despatches, and to receive, collect and recover such rates of payment as shall be from time to time fixed by the by-laws.

As to Government despatches.

25. Provided that any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of justice or any person thereunto authorized by the Secretary of State of Canada.

Penalty for divulging contents of despatch.

26. Any operator of the said telegraph line, or person employed by the telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Penalty for injury of property.

27. Any person who shall wilfully or maliciously injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, or in any way obstruct the working of the said line of telegraph, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be liable to be punished in the manner by law provided for such offence.

No. 54.

2nd Session, 4th Parliament, 43 Victoria, 1880

BILL.

An Act to incorporate the Canadian Telegraph Company.

[*Reprinted as amended by the Sub-Committee of the Select Standing Committee on Railways, Canals and Telegraph Lines.*]

(PRIVATE BILL.)

Mr. McCarthy.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1880.

No. 55.] **BILL.** [1880

An Act to amend the Act therein mentioned respecting The Beaver and Toronto Mutual Fire Insurance Company.

Preamble. 40 V., c. 72.

WHEREAS by the Act passed in the fortieth year of Her Majesty's reign, intituled "An Act respecting the Beaver and Toronto Mutual Fire Insurance Company," power was given to the Directors of the said Company in certain contingencies to wind up the affair of the said Company; and whereas they did proceed to act upon such powers and the business of the said Company has been closed, and its affairs are in course of being wound up accordingly; and whereas, owing to doubts having arisen as to the construction of certain Acts of Parliament, difficulties have occurred in the collection of the said Company's assets, which it is desirable to remove: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

By-laws dividing business into branches confirmed.

1. The several by-laws of the Board of Directors of the said Company, passed with the object of dividing the business of the said Company into various branches styled respectively, The Manufacturers' Branch, The Live Stock Branch and The City or Waterworks Branch, and also the change of the name of the branch originally called The Mercantile Branch into that of The General Branch, are hereby made legal and valid as regards all policies issued in such branches respectively, and as regards all premium notes or undertakings taken or accepted on account of any policies so issued.

Assessments declared to be valid.

2. Any assessments made upon premium notes or undertakings held by the Company for the purpose of paying the said Company's liabilities duly incurred, are hereby made legal and valid, and may be collected in any of Her Majesty's Courts in the Provinces of Ontario and Quebec; and it shall be no defence thereto in any suit for such assessment that the Board of Directors may have acted illegally in constituting the several branches above named, or in changing the name of The Mercantile Branch to that of The General Branch, or in hypothecating the said premium notes or undertakings to any bank for advances of money for the purposes of the Company, or to the guarantee stockholders in security for their guarantee stock.

Who may recover.

3. Such premium notes or undertakings may be sued either in the name of the said Company or in that of any corporation, bank or person to whom the same may have been so hypothecated.

No. 55.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Act therein mentioned respecting The Beaver and Toronto Mutual Fire Insurance Company.

Received and read first time, Thursday, 4th March, 1880.

Second reading, Friday, 5th March, 1880.

(PRIVATE BILL.)

Mr. McCarthy.

OTTAWA:

Printed by MacLean, Roger & Co.

1880.

No. 56.] **BILL.** [1880.

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

Preamble.

WHEREAS it is expedient in the interest of the public to reduce the salaries and allowances of the several public functionaries, and the indemnity to members of the Senate and House of Commons: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Inconsistent enactments repealed.

1. So much of any Act of the Parliament of Canada, including any Act of the present session thereof, as fixes the salary and allowances of any public functionary or officer hereinafter mentioned otherwise than the same is or are fixed by this Act, or as may be in anywise inconsistent with the provisions of this Act, is hereby repealed.

Salary of any future Governor General.

2. The salary of His Excellency the Governor General of Canada shall, from and after the expiry of the term of office of the present incumbent of that position, be thirty-five thousand dollars a year.

Salaries of members of H.M. the Privy Council for Canada.

3. The salary of the following ministers, members of the Queen's Privy Council for Canada, shall be as follows, viz.:—

The Minister of Justice and Attorney-General	$5,000	per annum
The Minister of Militia and Defence	5,000	"
The Minister of Customs	5,000	"
The Minister of Finance and Receiver-General	5,000	"
The Minister of Public Works	5,000	"
The Minister of Railways and Canals	5,000	"
The Minister of Inland Revenue	5,000	"
The Minister of the Interior	5,000	"
The President of the Queen's Privy Council	5,000	"
The Minister of Marine and Fisheries	5,000	"
The Postmaster-General	5,000	"
The Minister of Agriculture	5,000	"
The Secretary of State of Canada	5,000	"

Salaries of Lieut. Governors.

4. The salaries of the Lieutenant-Governors of the several Provinces shall be as follows, viz:—

The Lieutenant-Governor of Quebec	$6,000	per annum
The Lieutenant-Governor of Ontario	6,000	"

The Lieutenant-Governor of Nova Scotia	$5,000	per annum
The Lieutenant-Governor of New Brunswick	5,000	"
The Lieutenant-Governor of Manitoba	5,000	"
The Lieutenant-Governor of British Columbia	5,000	"
The Lieutenant-Governor of Prince Edward Island	5,000	"
The Lieutenant-Governor of the North-West Territories	5,000	"

Sessional allowance to Senators.

5. In each session of Parliament there shall be allowed to each member of the Senate attending at such session, six dollars for each day's attendance, if the session do not extend beyond thirty days; and if the session extends beyond thirty days, then there shall be payable to each such Senator attending at such session a sessional allowance of six hundred dollars, and no more.

Sessional allowance to members of the House of Commons.

6. In each session of Parliament there shall be allowed to each member of the House of Commons attending at such session, six dollars to each day's attendance, if the session do not extend beyond thirty days; and if the session extends beyond thirty days, then there shall be payable to each such member attending at such session a sessional allowance of six hundred dollars, and no more.

Provision as to deductions from sessional allowances.

7. Notwithstanding anything contained in the Act thirty sixth Victoria, chapter thirty-one, the deductions to be made under the second and fifth sections of the Act thirty-first Victoria, chapter three, shall be made at the rate of five dollars per day, as provided by the lastly-cited Act; and for the words "ten dollars" substituted by the said Act thirty-sixth Victoria, chapter thirty-one, for the words "six dollars" in the third and fifth sections of the said Act thirty-first Victoria, chapter three, the words "six dollars" are hereby substituted, replaced and restored.

Salary of Speaker of Senate and House of Commons.

8. The following salaries shall be payable to the officers herein mentioned respectively:—

To the Speaker of the Senate the sum of three thousand two hundred dollars per annum;

To the Speaker of the House of Commons the sum of three thousand two hundred dollars per annum.

Per centage reduction from salaries of all other Government employees.

9. A deduction at the rates following shall be made from the salaries and allowances of all persons in the employment of the Government of Canada having fixed and annual salaries and not herein before specially mentioned, that is to say, from salaries over one thousand dollars and not exceeding two thousand, ten per cent.; and from salaries over two thousand dollars, twenty per cent.

When this Act shall take effect.

10. The provisions of this Act shall take effect from the first day of July in the present year, one thousand eight hundred and eighty.

No. 56.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

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

Received and read, first time, Thursday, 4th March, 1880.

Second reading, Friday, 5th March, 1880.

Mr. BÉCHARD.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 57. **BILL.** [1880.

An Act to amend and consolidate the several Acts relating to the North-West Territories.

Preamble.

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

GOVERNMENT AND LEGISLATION.

North-West Territories defined.

1. The Territories formerly known as "Rupert's Land" and the North-West Territory (with the exception of such portion thereof as forms the Province of Manitoba and the District of Keewatin), shall continue to be styled and known as the North-West Territories, and the word "Territories" in this Act means the said Territories. 38 V., c. 49, s. 1.

Lieutenant-Governor.

His instructions.

2. For the North-West Territories there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council, by instrument under the Great Seal of Canada, who shall hold office during the pleasure of the Governor General; and the Lieutenant-Governor shall administer the Government under instructions from time to time given him by Order in Council, or by the Secretary of State of Canada. 38 V. c. 49, s. 2.

Administrator may be appointed.

3. The Governor in Council may, from time to time, appoint an Administrator to execute the office and functions of the Lieutenant-Governor during his absence, illness or other inability. 40 V., c. 7, s. 1.

Lieutenant-Governor or Administrator to take oath of office.

2. Every Lieutenant-Governor or Administrator so appointed shall, before assuming the duties of his office, take and subscribe before the Governor General, or some person duly authorized to administer such oaths, an oath of allegiance or office similar to those prescribed to be taken by a Lieutenant-Governor under "The British North America Act, 1867." 40 V., c. 7, s. 1.

Appointment of Council.

4. The Governor-General, with the advice of the Queen's Privy Council for Canada, by warrant under his privy seal, may constitute and appoint such and so many persons, from time to time, not exceeding in the whole six persons, of which number the Stipendiary Magistrates hereinafter mentioned shall, ex-officio, form part, to be a Council to aid the Lieutenant-Governor in the administration of the North-West Territories; Before entering upon the duties of their

Oaths of allegiance and office.

offices, the persons so appointed shall take and subscribe before the Lieutenant-Governor such oath of allegiance and such oath of office as the Governor in Council may prescribe; and the majority of the Council so appointed shall form a quorum. 40 Vic., cap. 7, sec. 2.

Quorum. Oath of Clerk of Council.

2. The Clerk of the said Council shall take before the Lieutenant-Governor such oath of office as the Governor in Council may prescribe. 40 Vic., cap. 7, sec. 2.

Seat of Government.

5. The Seat of Government of the North-West Territories shall be fixed, and may from time to time be changed, by the Governor in Council. 38 Vic., cap. 49, sec. 4.

Existing laws continued.

6 All laws and ordinances now in force in the North West Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Lieutenant-Governor *in* Council under the authority of this Act. *Ib.* sec. 6.

Powers of Council.

7. The Lieutenant-Governor in Council, or the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly, as the case may be, shall have such powers to make ordinances for the government of the North-West Territories as the Governor in Council may from time to time confer upon him: Provided always, that such powers shall not at any time be in excess of those conferred by the ninety-second section of "The British North America Act, 1867," upon the Legislatures of the several Provinces of the Dominion. 40 Vic., cap. 7, sec. 3.

Proviso.

Definition of "the Lieutenant Governor in Council."

2. And in this Act the expression "the Lieutenant Governor in Council" means the Lieutenant Governor sitting in Council, or the Lieutenant Governor by and with the advice and consent of the Legislative Assembly as to ordinances to be passed or the application of any Act of the Parliament of Canada to the Territories after the formation of a Legislative Assembly for the Territories.

Disallowance of ordinances.

3. And provided that a copy of every such ordinance shall be mailed for transmission to the Secretary of State, within thirty days after its passing, and it may be disallowed by the Governor in Council at any time within *one* year after its receipt by the Secretary of State; Provided, also, that all ordinances so made, and all Orders in Council disallowing any ordinances so made, shall be laid before both Houses of Parliament, as soon as conveniently may be after the making and enactment thereof respectively. *Ib.* sec. 3.

Proviso.

Lieut.-Governor to preside at Council meetings.

4. The Lieutenant-Governor shall preside at all sittings of the Council, he shall on all subjects have the same right to vote as Councillors have, with a casting vote in case of a tie; and such ordinances as aforesaid shall be made by the Lieutenant-Governor in Council, and shall be expressed to be so made; but this section shall cease to have effect when the number of members of the Council elected under section

Form of enacting ordinances.

Proviso.

ten of this Act amounts to twenty-one, and a Legislative Assembly has been formed for the said Territories. *Ib.* sec. 4, amended.

Governor in Council may apply Acts, &c., of Canada to North-West Territories.

8. The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts shall be in force in the North-West Territories generally, or any part or parts thereof to be mentioned in the said proclamation for such purpose. 38 Vic., cap. 49, sec. 8.

Certain printed copies of laws, &c., to be evidence.

9. Any copy of any Proclamation or Order made by the Governor in Council, or Ordinance, Proclamation or Order made by the Lieutenant-Governor in Council or the Lieutenant Governor by and with advice and consent of the Legislative Assembly, as the case may be, of the North-West Territories, printed in the *Canada Gazette* or purporting to be printed by the Queen's Printer at Ottawa, or Printer to the Government of Manitoba at Winnipeg, or to the Government of the North-West Territories, shall be *prima facie* evidence of such Proclamation or Order, and that it is in force. 38 V., c. 49, s. 12.

ELECTION OF MEMBERS OF COUNCIL OR ASSEMBLY.

Erection of electoral districts.

10. When and so soon as the Lieutenant-Governor is satisfied by such proof as he may require, that any District or portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, the Lieutenant-Governor shall, by Proclamation, erect such District or portion into an Electoral District, by a name and with boundaries to be respectively declared in the proclamation, and such Electoral District shall thenceforth be entitled to elect a member of the Council, or of the Legislative Assembly, as the case may be. *Ib.* s. 13.

Proceedings thereupon.

2. The Lieutenant-Governor shall thereafter cause a Writ to be issued by the Clerk of the Council in such form and addressed to such Returning Officer as he thinks fit, and until the Lieutenant-Governor in Council otherwise provides, he shall by Proclamation prescribe and declare the mode of providing voters' lists, the oaths to be taken by voters, the powers and duties of Returning and Deputy Returning Officers, the proceedings to be observed at such elections, and the period during which such elections may be continued, and such other provisions in respect to such election as he may think fit. *Ib.* s. 13.

Voting qualification.

3. The persons qualified to vote at such election shall be the *bonâ fide* male residents and householders of adult age, not being aliens or unenfranchised Indians, within the Electoral District, and shall have respectively resided in such Electoral District for at least twelve months immediately preceding the issue of the said Writ. *Ib.* s. 13.

Election qualification.

4. Any person entitled to vote may be elected.

Additional member for any district.

5. When and so soon as the Lieutenant-Governor is satisfied as aforesaid, that any Electoral District contains a population of two thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, he shall issue his writ for the election of a second member for the Electoral District.

Powers, &c., of elected members of Council.

6. Elected members of the Council shall take the same oaths and have the same powers, rights and privileges as members appointed by the Governor; and so soon as any members have been elected, a majority of those appointed and elected shall form a quorum for the transaction of business.

When Council to be succeeded by Legislative Assembly.

7 When the number of elected members amounts to twenty-one, the Council hereinbefore appointed shall cease and be determined, and the members so elected shall be constituted and designated as the Legislative Assembly of the North-West Territories, and all the powers by this Act vested in the Council shall be thenceforth vested in and exercisable by the said Legislative Assembly.

Number of members and term of service.

8. The number of members so to be elected, as hereinbefore mentioned, shall not exceed twenty-one, at which number the representation shall remain; the members so elected shall hold their seats for a period not exceeding two years, when they shall retire and others shall be elected in their stead, unless they are re-elected as they may be: and another member shall be elected in the stead of any member dying, resigning his seat. *Ib.* s. 13.

DESCENT OF REAL ESTATE.

Succession to real estate.

11. Whenever any person dies seized in fee simple or for the life of another, of any real estate in the North-West Territories, without having lawfully devised the same, such real estate shall descend or pass by way of succession in manner following, that is to say:

Firstly. To his lineal descendants, and those claiming by or under them, *per stirpes;*

Secondly. To his father;

Thirdly. To his mother; and

Fourthly. To his collateral relatives;

Subject in all cases to the rules and regulations hereinafter prescribed. *Ib.* s. 14.

Descendants in equal degrees of consanguinity.

12. If the intestate leaves several descendants in the direct line of lineal descent, and all of equal degree of consanguinity to such intestate, the inheritance shall descend to such persons in equal parts, however remote from the intestate the common degree of consanguinity may be. *Ib.* s. 15.

13. If any one or more of the children of such intestate be living, and any one or more be dead, the inheritance shall descend to the children who are living, and to the descendants of such children as have died, so that each child who shall be living shall inherit such share as would have descended to him if all the children of the intestate who have died, leaving issue, had been living; and so that the descendants of each child who shall be dead shall inherit in equal shares the share which their parent would have received if living. *Ib.* s. 16. Division among children and their descendants.

14. The rule of descent prescribed in the last preceding section shall apply in every case where the descendants of the intestate, entitled to share in the inheritance, shall be of unequal degrees of consanguinity to the intestate, so that those who are in the nearest degree of consanguinity shall take the shares which would have descended to them, had all the descendants in the same degree of consanguinity who have died, leaving issue, been living, and so that the issue of the descendants who have died, shall respectively take the shares which their parents, if living, would have received. *Ib* s. 17 Rule of descent defined in case of unequal degrees of consanguinity.

15. In case the intestate dies without lawful descendants, and leaving a father, then the inheritance shall go to such father, unless the inheritance came to the intestate on the part of his mother, and such mother be living, and if such mother be dead, the inheritance descending on her part shall go to the father for life, and the reversion to the brothers and sisters of the intestate and their descendants, according to the law of inheritance by collateral relatives, hereinafter provided; and if there be no such brothers or sisters or their descendants living, such inheritance shall go to the father. *Ib.* s. 18. Succession where no descendants.

16. If the intestate dies without descendants and leaving no father, or leaving a father not entitled to take the inheritance under the last preceding section, and leaving a mother and a brother or sister, or the descendant of a brother or sister, then the inheritance shall descend to the mother during her life, and the reversion to such brother or sister of the intestate as may be living, and the descendants of such as may be dead, according to the same law of inheritance hereinafter provided; and if the intestate in such case leaves no brother or sister, nor any descendant of any brother or sister, the inheritance shall descend to the mother. *Ib.* s. 19. Succession where no descendants and no father capable of inheriting.

17. If there be no father or mother capable of inheriting the estate, it shall descend, in the cases hereinafter specified, to the collateral relatives of the intestate; and if there be several of such relatives, all of equal degree of consanguinity to the intestate, the inheritance shall descend to them in equal parts, however remote from the intestate the common degree of consanguinity may be. *Ib.* s. 20. If no father or mother capable of inheriting.

18. If all the brothers and sisters of the intestate be living, the inheritance shall descend to such brothers and sisters; and Succession of brothers

and sisters and their descendants.

if any one or more of them be living, and any one or more be dead, then to the brothers and sisters and every of them who are living, and to the descendants of such brothers and sisters as have died, so that each brother or sister who may be living shall inherit such share as would have descended to him or her, if all the brothers or sisters of the intestate who have died leaving issue had been living, and so that such descendants shall inherit, in equal shares, the share which their parent, if living, would have received. *Ib.* s. 21.

As to lineal descendants in unequal degree.

19. The same law of inheritance as prescribed in the last section shall prevail as to the other direct lineal descendants of every brother and sister of the intestate, to the remotest degree, whenever such descendants are of unequal degree. *Ib.* s. 22.

If no heir under foregoing provisions.

20. If there be no heir entitled to take under any of the preceding *nine* sections, then the inheritance, if the same came to the intestate on the part of his father, shall descend:

Firstly. To the brothers and sisters of the father of the intestate in equal shares, if all be living;

Secondly. If one or more be living, and one or more have died leaving issue, then to such brothers and sisters as are living, and to the descendants of such of the said brothers and sisters as have died, in equal shares;

Thirdly. If all such brothers and sisters have died, then to their descendants; and in all such cases the inheritance shall descend in the same manner as if all such brothers and sisters had been the brothers and sisters of the intestate. *Ib.* s. 23.

Further provisions.

21. If there be no brothers or sisters, or any of them, of the father of the intestate, and no descendants of such brothers or sisters, then the inheritance shall descend to the brothers and sisters of the mother of the intestate, and to the descendants of such of the said brothers and sisters as have died, or if all have died, then to their descendants, in the same manner as if all such brothers and sisters had been the brothers and sisters of the father. *Ib.* s. 24.

If inheritance came by mother's side.

22. In all cases not herein provided for, where the inheritance came to the intestate on the part of his mother, the same, instead of descending to the brothers and sisters of the intestate's father, and their descendants, as prescribed in the preceding *twentieth* section, shall descend to the brothers and sisters of the intestate's mother, and to their descendants, as directed in the last preceding section; and if there be no such brothers and sisters or descendants of them, then such inheritance shall descend to the brothers and sisters, and their descendants, of the intestate's father as before prescribed. *Ib.* s. 25.

If it came neither from

23. In cases where the inheritance has not come to the intestate on the part of either the father or the mother, the

inheritance shall descend to the brothers and sisters both of the father and mother of the intestate in equal shares, and to their descendants, in the same manner, as if all such brothers and sisters had been the brothers and sisters of the intestate. *Ib.* s. 26. Father's or mother's side.

24. Relatives of the half-blood shall inherit equally with those of the whole blood in the same degree, and the descendants of such relatives shall inherit in the same manner as the descendants of the whole blood, unless the inheritance came to the intestate by descent, devise or gift of some one of his ancestors; in which case all those who are not of the blood of such ancestors shall be excluded from such inheritance. *Ib.* s. 27. Relatives of half-blood.

25. On failure of heirs under the preceding rules, the inheritance shall descend to the remaining next of kin of the intestate, according to the rules in the English Statute of distributions of personal estate. *Ib.* s. 28. Failure of heirs.

26. Whenever there is but one person entitled to inherit according to the provisions hereinbefore contained, he shall take and hold the inheritance solely; and whenever an inheritance, or a share of an inheritance, shall descend to several persons under such provisions, they shall take as tenants in common in proportion to their respective rights. *Ib.* s. 29. Co-heirs to be tenants in common.

27. Descendants and relatives of the intestate begotten before his death, but born thereafter, shall in all cases inherit in the same manner as if they had been born in the lifetime of the intestate, and had survived him. *Ib.* s. 30. Posthumous heirs to inherit.

28. Children and relatives who are illegitimate shall not be entitled to inherit under any of the provisions of this Act. *Ib.* s. 31. Illegitimates not to inherit.

29. The estate of a widow as tenant in dower, shall not be affected by any of the provisions hereinbefore contained. *Ib.* s. 32. Dower.

OTHER PROVISIONS AS TO REAL ESTATE.

30. Aliens may acquire, inherit, grant, lease and devise real estate within the North-West Territories. *Ib.* s. 33. Aliens.

31. All lands, tenements and hereditaments, and any share or interest therein, shall, as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant as well as in livery. Deeds of grant shall be executed and delivered in duplicate, attested by one witness, and the execution and delivery thereof duly proved on oath, for the purpose of registration. *Ib.* s. 34. Lands, &c., to lie in grant as in livery. Deeds of grant.

32. A feoffment, otherwise than by deed, shall be void at law, and no feoffment shall have any tortious operation. *Ib.* s. 35. Feoffment.

Corporation may hold and convey.

33. Any corporation aggregate in the North-West Territories capable of taking and conveying land, shall be deemed to be capable of taking and conveying land by deed of bargain and sale in like manner as any person in his natural capacity. *Ib.* s. 36.

Enrolment or registration not necessary to validity of deed.

34. No deed of bargain and sale of land in the North-West Territories, shall require enrolment or registration to supply the place of enrolment, for the mere purpose of rendering such bargain and sale a valid and effectual conveyance for passing the land thereby intended to be bargained and sold. *Ib.* s. 37.

WILLS.

Wills and intestacy.

35. Every person may devise, bequeath, or dispose of by will executed in manner hereinafter mentioned, all real estate and personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which if not so devised, bequeathed, or disposed of, would devolve upon his heir-at-law, or upon his executor or administrator. *Ib.* s. 38.

Testator must be of age.

36. No will made by any person under the age of twenty-one years shall be valid. *Ib.* s. 39.

Execution of wills.

37. No will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned; that is to say, it shall be signed at the foot or end thereof by the testator, or by some other person in his presence, and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses, present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator; but no form of attestation shall be necessary. *Ib.* s. 40.

No further publication required.

38. Every will executed in manner hereinbefore required, shall be valid without any other publication thereof. *Ib.* s. 41.

Subsequent incompetency of witness.

39. If any person who attests the execution of a will shall, at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid. *Ib* s. 42.

Executor may be witness.

40. No person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof *Ib.* s. 43.

Devise or legacy to witness to be void, but witness may prove execution.

41. If any person shall attest the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal estate (other than charges for payment of debts) shall be thereby given, such devise or legacy shall so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person,

wife or husband, be utterly null and void, and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy. *Ib.* s. 44.

Revocation of wills.

42. No will or codicil, or any part thereof, shall be revoked otherwise than by marriage or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same, by the testator, or by some person in his presence and by his direction, with the intention of revoking the same. *Ib.* s. 45.

How will shall be construed.

43. Every will shall be construed with reference to the real and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will. *Ib.* s. 46.

When no limitation fee simple to pass.

44. Where any real estate is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest, which the testator had power to dispose of by will, in such real estate, unless a contrary intention shall appear by the will. *Ib.* s. 47.

MARRIED WOMEN.

Separate rights of married women in real estate.

45. The real estate of any married woman, which is owned by her at the time of her marriage, or acquired in any manner during her coverture, and the rents, issues and profits thereof respectively, shall without prejudice and subject to the trusts of any settlement affecting the same, be held and enjoyed by her for her separate use, free from any estate or claim of her husband during her lifetime, or as tenant by the courtesy, and her receipt alone shall be a discharge for any rents, issues and profits; and any married woman shall be liable on any contract made by her respecting her real estate, as if she were a *feme sole*. *Ib.* s. 48.

Her own earnings to be hers absolutely.

46. All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits from any occupation or trade which she carries on separately from her husband, or derived from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys, or property, shall hereafter be free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a *feme sole*; and no order for protection shall hereafter become necessary in respect of any such earnings or acquisitions; and the possession, whether actual or constructive, of the husband, of any personal property of any married woman, shall not render the same liable for his debts. *Ib.* s. 49.

Deposits in bank.

47. A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own check, and any receipt or acquittance of such deposit, or shall be a sufficient legal discharge to any such bank. *Ib.* s. 50.

Fradulent investments by hunband, invalid.

48. Nothing hereinbefore contained in reference to moneys deposited or investments by any married woman, shall as against creditors of the husband give validity to any deposit or investment of moneys of the husband made in fraud of such creditors, and any money so deposited or invested may be followed as if this Act had not passed. *Ib* s. 51.

Debts of wife before and after marriage.

49. A husband shall not by reason of any marriage be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried; and a husband shall not be liable for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts. *Ib. s.* 52.

Suits by and against a married women.

50. A married woman may maintain an action in her own name for the recovery of any wages, earnings, money and property, declared by this Act or which may be hereafter declared to be her separate property, and shall have in her own name the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money, and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels, and property belonged to her as an unmarried woman; and any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts as if she were unmarried. *Ib. s.* 53.

REGISTRATION OF DEEDS.

Registrar of deeds, his appointment, duties and salary.

51. The Governor may appoint a Registrar of Deeds in and for the North-West Territories, who shall hold office during pleasure and shall reside and keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed for that purpose from time to time by the Governor in Council, and who shall register all deeds and other instruments relating to lands situate in any part of the North-West Territories, and Letters Patent for which have been issued by the Crown. And the Lieutenant-Governor in Council shall fix the fees to be paid for the registration of all such deeds and instruments, which fees shall be collected by the Registrar, and being first verified on oath, shall by him be paid over to the Lieutenant-Governor, at the end of every quarter in each year, on account of the Consolidated Revenue Fund of Canada; and the forms incident to and the effect of such registration shall be governed by laws made under this Act. *Ib. s.* 54.

Fees collected by Registrar.

Oath of Registrar.

2. The Registrar, before he enters upon the duties of his office, shall, before the Lieutenant-Governor or before a Stipendiary Magistrate for the North-West Territories, take the following oath in duplicate, one duplicate of which oath shall be filed in the Registry Office, and the other duplicate in the office of the Lieutenant-Governor :—

Form of.

"I (*name and describe deponent*) having been appointed to the office of in and for the North-West Territories, do swear that I will, well, truly and faithfully perform and execute all duties required of me by law, pertaining to the said office, so long as I continue therein."

Registrar removed from office to deliver up books, &c., to person entitled to receive the same.

3. In case any Registrar is removed from, or resigns his office, he shall forthwith deliver up all books, plans, instruments, and other public property in his possession as such Registrar, to the person who is appointed Registrar in his stead, or to any other person who may be specially appointed in writing by the Lieutenant-Governor to receive the same, and if such Registrar refuses to do so, the Lieutenant-Governor may direct the Sheriff, or some other peace officer of the North-West Territories, to seize and to take immediate possession of the same wheresoever found, and the Registrar so offending shall be liable, on conviction before a Judge or Stipendiary Magistrate, to a fine not exceeding *one hundred dollars*, or to any term of imprisonment not exceeding six months.

Penalty for refusal to do so.

Security to be given by Registrar.

4. The Lieutenant-Governor in Council may from time to time fix and determine the nature and amount of the security to be given by such Registrar, which security shall be available to any aggrieved person or persons to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or misconduct of the Registrar or his deputy, in the performance of the duties of his office, not exceeding the penalty or amount named therein ;—but this provision shall not exempt the Registrar from any further responsibility beyond the amount of such security to persons sustaining loss or damage as aforesaid.

Not to be exempt from further responsibility.

Deputy Registrar.

5. Each Registrar may appoint a deputy in his office, who may perform all the duties required under this or any ordinance to be made in that behalf, in the same manner and to the like effect as if done by the Registrar ; and such appointment shall be in writing, under the hand of the Registrar; and in case of the death, resignation, removal or forfeiture of office of the Registrar, the Deputy Registrar shall do and perform all and every act, matter and thing, necessary for the due execution of the said office, until a new appointment of Registrar is made.

Oath taken by Deputy Registrar.

6. Every Deputy Registrar, before he enters on the execution of his office, shall, before the Lieutenant-Governor, or a Stipendiary Magistrate for the North-West Territories, take an oath to the like effect as that appointed to be taken by the Registrar, such oath to be in duplicate, and filed in the same manner as the Registrar's oath.

Sheriff.

52. The Governor may appoint a Sheriff in and for the North-West Territories, who shall hold office during pleasure, and who shall reside and keep his office in a place to be named for that purpose in his commission ; or at such other place as may, from time to time, be named by the Governor in Council, and who shall perform the duties of such office under the laws then in force in the said Territories. The Sheriff, shall furnish such security for the performance of his official duties, as the Lieutenant-Governor in Council may require. 38 V. c. 49, s. 55 amended.

Security to be given by.

Disposal of N.-W. M. Police Force.

53. The Lieutenant-Governor shall, but subject to any orders in that behalf from time to time of the Governor, have power to issue orders to the North-West Mounted Police Force, in aid of the administration of Civil and Criminal Justice, and for the general peace, order and good government of the said Territories. *Ib.* s. 56 amended.

ADMINISTRATION OF JUSTICE.

Justices of the Peace.

54. The Lieutenant-Governor may appoint Justices of the Peace for the North-West Territories, who shall have jurisdiction as such throughout the same. *Ib.* s. 57.

Judicial Districts.

55. The Lieutenant-Governor in Council, or the Lieutenant-Governor by and with the advice and consent of the Legislative Assembly, if then formed, may by ordinance, subject to the provisions of this Act, from time to time set apart any portion of the said Territories as and for a Judicial District, and may from time to time alter the limits and extent of any such District. *Ib.* s. 58.

Stipendiary Magistrates.

56. The Governor may from time to time appoint, by commission under the Great Seal, one or more fit and proper person or persons, not exceeding three, to be and act as a Stipendiary Magistrate or Stipendiary Magistrates within the North-West Territories, who shall hold office during pleasure, and who shall reside at such place or places as may from time to time be ordered by the Governor in Council, and the Acts 33 Vict. chapter 41, 36 Vict., chapter 32, and 38 Vict., chapter 9, providing for the superannuation of officers employed in the public service of the Dominion shall apply to all Stipendiary Magistrates appointed under this Act. 36 V., s. 61 amended.

Superannuation Acts to apply to these officers.

Oath of office and jurisdiction.

57. Each Stipendiary Magistrate, having taken the following oath before the Lieutenant-Governor or any Stipendiary Magistrate in the North-West Territories, that is to say: "*I,* ———, *do swear that I will truly and faithfully execute the several powers, duties and trusts committed to me by or under 'The Consolidated North-West Territories Act*, 1880,' *without fear, without favor, and without malice. So help me God;*' shall have jurisdiction throughout the North-West Territories, but shall usually exercise the same within such districts or portions thereof as may from time to time be designated by the Governor in Council. 40 V., c. 7, s. 7.

Functions and powers to hear and determine certain criminal offences.

58. Each Stipendiary Magistrate shall have the magisterial, and other functions appertaining to any Justice of the Peace, or any two Justices of the Peace, under any laws or ordinances which may, from time to time, be in force in the North-West Territories, and shall also have power to hear and determine any charge against any person for any criminal offence alleged to have been committed in the North-West Territories, or in territory eastward of the Rocky Mountains wherein the boundary between the Province of British Columbia and the North-West Territories has not been officially ascertained, as follows:

Larceny, &c., where property stolen does not exceed $200.

1. When the accused is charged with having committed or attempted to commit larceny, embezzlement, or obtaining money or property by false pretences, or feloniously receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, embezzled, obtained or received, does not, in the judgment of such Stipendiary Magistrate, exceed two hundred dollars; or

Assaults.

2. With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously cutting, stabbing, or wounding any other person; or

On females or children.

3. With having committed an assault upon any female whatever, or upon any male child whose age does not, in the opinion of the magistrate, exceed fourteen years, such assault, if upon a female, not amounting in his opinion, to an assault with intent to commit a rape; or

On magistrates.

4. Having assaulted, obstructed, molested or hindered any Stipendiary Magistrate, Justice of the Peace, Commissioned Officer of Police, Constable, Bailiff or other Peace Officer or Officer of Customs, Excise, or other officer, in the lawful performance of his duty, or with intent to prevent the performance thereof:

Charge to be tried summarily.

The charge shall be tried in a summary way and without the intervention of a jury.

In other cases trial by jury.

5. In all other criminal cases the Stipendiary Magistrate and a Justice of the Peace, with the intervention of a jury of six, may try any charge against any person or persons for any crime.

Trial to be in open court.

6. The Stipendiary Magistrate or Stipendiary Magistrate and Justice of the Peace as the case may be, sitting on any such trial, shall be an open public court.

Notes of evidence.

7. The Stipendiary Magistrate shall, upon every such trial, take, or cause to be taken, in writing, full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted after the close of the case for the prosecution to make full answer and defence by counsel, attorney or agent.

Defence by counsel.

Conviction and sentence.

8. If, upon being arraigned upon the charge, the prisoner pleads guilty, the Stipendiary Magistrate shall forthwith convict the prisoner, and after conviction of the prisoner upon a plea of not guilty, the Stipendiary Magistrate shall pass the sentence of the law upon the convict.

Death sentence to be reported.

Stay of execution.

9. When any person is convicted of a capital offence and is sentenced to death, the Stipendiary Magistrate shall forward to the Minister of Justice full notes of the evidence with his report upon the case, and the execution shall be stayed until such report is received and the pleasure of the Governor thereon is communicated to the Lieutenant-Governor. 40 V., c. 7, s. 7, page 36.

Summoning of jurors.

10. Persons required as jurors for a trial shall be summoned by a Stipendiary Magistrate from among such male persons as he may think suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors, and sworn by the Stipendiary Magistrate who presides at the trial. *Ib.*

Peremptory challenges.

11. Any person arraigned for treason or felony may challenge peremptorily and without cause not more than six jurors. *Ib.*

Void beyond six.

12. Every peremptory challenge beyond the number so allowed shall be entirely void. *Ib.*

By Crown.

The Crown may peremptorily challenge not more than four jurors: *Ib.*

Challenges for cause.

Challenges for cause shall be the same as now provided for under the Act, chapter twenty-nine, thirty-second and thirty-third Victoria (1869), intituled "*An Act respecting procedure in criminal cases and other matters relating to criminal law*": *Ib.*

Provision if the list of jurors is exhausted.

Tales.

13. If, from challenges or otherwise, the jurors summoned for the trial are exhausted, the Stipendiary Magistrate shall direct some constable or other person to summon by word of mouth from among the by-standers or from the neighbourhood, such number of persons as may be necessary to make up a jury, the persons so summoned being subject to challenge as those summoned by the Magistrate in the first instance, and the like proceedings shall be repeated, if necessary, until a jury be formed, competent to try the case; and

Fine on juror summoned and not serving.

any person summoned, as hereby provided, to serve as a juror, and making default or refusing to serve as such without lawful excuse to the satisfaction of the Magistrate, may be fined by him in a sum not exceeding ten dollars, and committed to prison until such fine be paid. *Ib.*

Witness failing to attend to be guilty of contempt.

14. Any person duly warned, whether on behalf of the prisoner or against him, duly to attend and give evidence on any such trial shall be bound to attend on the day appointed for the same and shall remain in attendance throughout the whole trial, and in case he fails so to attend, he shall

be held guilty of contempt of court, and he may be proceeded against therefor accordingly. *New.*

Witness in contempt may be apprehended, detained or released on recognizance.

15. And upon proof to the satisfaction of the Stipendiary Magistrate of the warning of any witness who fails to attend, and such Stipendiary Magistrate being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence and to answer for his disregard of the warning, and such witness may be detained on such warrant with a view to secure his presence as a witness, or, such witness may be released on recognizance with or without sureties conditioned for his appearance to give evidence as therein mentioned, and to answer for his default as for a contempt; or the Stipendiary Magistrate may in a summary manner examine into and dispose of the charge of contempt against the said witness, who if found guilty thereof may be fined or imprisoned, or both,—such fine not to exceed one hundred dollars, and such imprisonment to be in the common jail, with or without hard labour, and not to exceed the term of ninety days. *New.*

Penalty for contempt.

Returns of trials to Lieut.-Governor.

16. Returns of all trials and proceedings, civil and criminal, shall be made to the Lieutenant Governor in such form and at such times as he may direct." 40 Vic., c. 7, s. 7, p. 38.

Appeal to Q. B., Manitoba.

59. A person convicted of any offence punishable by death may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm the conviction or to order a new trial; and the mode of such appeal and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant Governor in Council. 38 Vic., c. 49, s. 65.

Convict may be imprisoned in N.-W. T. or sent to penitentiary in Manitoba.

60. If imprisonment in jail for not less than two years, or in the penitentiary, be awarded in any case, the convict may be ordered to be imprisoned in the North-West Territories or to be conveyed to the penitentiary in the Province of Manitoba on the warrant of the Stipendiary Magistrate; and whenever any convict or accused person is ordered to be conveyed to gaol or to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, shall have the same power to hold and convey him, or to re-take him in case of an escape, and the gaoler or warden of the penitentiary in Manitoba shall have the same power to detain and deal with him, in the same Province, as if it were within the North-West Territories, or as if the said convict or accused person had been ordered to be conveyed to such gaol or penitentiary by some competent court or authority in the said Province. 38 Vic., c. 49, s. 67.

Conveyance of prisoners.

Duties and powers of warden of penitentiary.

When at a distance from a gaol to be kept in

61. Where it is impossible or inconvenient, in the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any Justice of the Peace, or Stipendiary Magistrate, may, according

custody of N.-W. M. Police.

to their several powers and jurisdictions, sentence such person so convicted before him or them, and sentenced, as aforesaid, to such imprisonment, to be placed and kept in the custody of the North-West Mounted Police, with or without hard labour, and any Police guard house or guard room in the said Territories shall be a gaol or place of confinement for the purposes of this Act. 38 Vic., c 49, s. 68, amended.

Erection of gaols and lock-ups.

62. The Governor in Council may cause to be erected in any part or parts of the North-West Territories any building or buildings, or enclosure or enclosures, for the purpose of a Gaol or lock-up, for the confinement of prisoners charged with the commission of any offence, or sentenced to any punishment therein; and confinement or imprisonment therein shall be held lawful and valid, whether under sentence of imprisonment in a penitentiary, gaol or other place of confinement. 38 Vic., c. 49, s. 69.

Provisions, when in N.-W.T., no such officers as designated in Act of Parliament.

63. Whenever in any Act of Parliament of Canada in force in the North-West Territories, any officer is designated for carrying on any duty therein mentioned, and there shall be no such officer in the North-West Territories, the Lieutenant-Governor in Council may order by what other person or officer, such duty shall be performed, and anything done by such person or officer, under such order, shall be valid and legal in the premises; or if it be in any such Act ordered that any document or thing shall be transmitted to any officer, court, territorial division or place, and there is then in the said North-West Territories no such officer, court or territorial division or place, then the Lieutenant-Governor in Council may order to what officer, court or place such transmission shall be made, or may dispense with the transmission thereof. 38 Vic., c. 49, s. 70.

ADMINISTRATION OF CIVIL JUSTICE.

Jurisdiction of Stipendiary Magistrates.

64. Every Stipendiary Magistrate shall have jurisdiction, power and authority to hold courts (which shall be open public courts) at such times and places as he may think proper, and at such courts to hear and determine any claim, dispute or demand as hereinafter mentioned, that is to say:

Summarily:—When claim for tort not exceeding $500, or for debt not exceeding $1,000.

1. Where the claim, dispute or demand is for a tort, wrong or grievance in which the amount claimed does not exceed five hundred dollars, or if for a debt or on a contract, in which the amount claimed does not exceed one thousand dollars, in a summary way, and without the intervention of a jury;

In other claims and real estate cases,—jury if demanded.

2. In all other claims, disputes or demands than those above mentioned, or for the recovery of the possession of real estate, if neither party demands a jury, in a summary way and without the intervention of a jury; but if either party demands a jury, then with the intervention of a jury of six in number, summoned in the manner hereinbefore provided as to criminal trials; and the Stipendiary Magistrate shall give such judgments and make such orders and decrees as

shall appear to him just and agreeable to equity and good conscience; but the Stipendiary Magistrate shall not have cognizance of any action for a gambling debt, or for any intoxicating liquor or intoxicant, or of any action by any person on a note of hand or other document, the consideration or any part of the consideration for which was a gambling debt or any such intoxicating liquor or intoxicant. 40 Vic., c. 7, s. 8.

No action for gambling debt or intoxicant.

65. Every judgment of the Stipendiary Magistrate or presiding Judge shall be openly pronounced in Court as soon as may be after the hearing of the case, except that in any case where the Stipendiary Magistrate is not prepared to pronounce judgment *instanter*, he may postpone judgment and name a subsequent day and place for the delivery thereof, in writing, and then to enter the said judgment, and such judgment shall be as effectual as if rendered in Court at the trial. 38 V., c. 39, s. 72.

Judgement, how given.

2. Execution of any such judgment shall be carried into effec in the manner prescribed by any ordinance of the Lieutenant-Governor in Council, or if no such ordinance be then in force, then in like manner as a judgment to the same amount in the Province of Manitoba. 40 V., c. 7, s. 8.

Execution of judgement.

66. Any person feeling himself aggrieved by the decision of any Stipendiary Magistrate, or presiding Judge, or Court, in a claim, dispute or demand under the second sub-section of the *sixty-fourth* section of this Act, may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm the decision or to order a new trial; and the mode of such appeal, and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant-Governor in Council. 38 V., c. 49, s. 73.

Appeal in certain cases.

67. The Stipendiary Magistrates under this Act, the Commissioner and Assistant Commissioner of the North West Mounted Police Force, and such other person or persons as the Governor in Council may from time to time approve, shall be coroners in and for the North West Territories :—

Coroners.

Except as hereinafter provided, no inquest shall be held upon the body of any deceased person by any coroner, unless it has been made to appear to such coroner, that there is reason to believe the deceased died from violence or unfair means, or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation, and not through mere accident or mischance :—

Inquest only in certain cases.

Upon the death of any prisoner, the gaoler or officer in charge of the gaol wherein such prisoner dies shall immediately give notice to the nearest resident coroner, and such coroner shall proceed forthwith to hold an inquest upon the body :

Death in gaol.

It shall not be necessary in any case that a coroner's jury exceed six persons, but in every instance six must agree in order to render a valid verdict.

Coroner's jury.

Witnesses.

Coroners shall have power to summon witnesses and to punish them for disobeying a summons to appear or refusing to be sworn or give evidence, as are enjoyed by Justices of the Peace.

Fees of jurors and witnesses.

The fees of jurors and witnesses attending criminal trials inquests may be fixed from time to time by the Governor in Council, *and paid in such manner as the Governor in Council may direct.*

Salaries and allowances.

68. There shall be payable out of the Consolidated Revenue Fund of Canada, the following sums, annually, that is to say :

To the Lieutenant-Governor, not exceeding.....	$7,000
To the Stipendiary Magistrates, each, not exceeding..	3,000
To the Members of Council, each, not exceeding.....	1,000
To the Clerk of the Council, who shall also act as and perform the duties of Secretary to the Lieutenant-Governor, not exceeding.....	1,800
To the Registrar, not exceeding	2,000
To the Sheriff, not exceeding.....	1,200

Together with such sums of money as may from time to time be fixed by the Governor in Council in respect of travelling allowances for any of the officers above named. 38 V., c. 49, sec. 5.

PROHIBITION OF INTOXICANTS.

Intoxicants not to be manufactured imported or sold without permission.

69. Intoxicating liquors and other intoxicants are prohibited to be manufactured, compounded or made in the said North-West Territories, except by special permission of the Governor in Council, or to be imported or brought into the same from any Province of Canada, or elsewhere, or to be sold, exchanged, traded or bartered, or had in possession, except by special permission in writing of the Lieutenant-Governor of the said Territories. 38 V., c. 49, s. 74.

Penalty for manufacturing, &c., without permission.

(2.) Any person who manufactures, makes, compounds imports, sells, exchanges, trades or barters any intoxicating liquor, or intoxicant, except by special permission as aforesaid, or in whose possession or on whose premises such intoxicating liquor or intoxicant of any kind may be or may have been, shall be liable to a penalty not exceeding *two hundred dollars*, nor less than fifty dollars, one half of which shall go to the informer. *Ib.* sub. s. 1.

Search for, seizure and forfeiture of intoxicants, and of stills, packages, &c., used for making or importation.

(3.) And if any such intoxicating liquor or intoxicant is imported, or manufactured or made in the said Territories, or brought into the same, or is sold, exchanged, traded or bartered, in contravention of this Act, it shall be absolutely forfeited, and may be seized by any officer of the Customs or Excise, or by any Constable or other duly qualified person wheresoever found ; and on complaint made before him, any Judge, Stipendiary Magistrate, or Justice of the Peace, may, on the evidence of one credible witness

that this Act has been contravened in respect thereof, order the said intoxicating liquor or intoxicant so seized to be forthwith destroyed, or in case of the same not having been seized, then on complaint as aforesaid, such Judge, Stipendiary Magistrate, or Justice of the Peace may issue a search warrant, as in cases of stolen goods under the Acts in force respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences, and upon the same being found may cause them to be forthwith destroyed and the still, machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor or intoxicant has been manufactured, imported or made, sold, exchanged, traded or bartered, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the balance of the contents thereof, if such still, machinery, barrel, keg, case, box, package, receptacle or vessel aforesaid, respectively, can be identified, may be seized by any officer of the Customs or Excise or by any constable or other duly qualified person, wheresoever found within the said Territories; and on complaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may, on the evidence of any credible witness, that this Act has been contravened in respect thereof, declare such intoxicating liquor or intoxicant, still, machinery, vessel or receptacle, forfeited, and cause the same to be forthwith destroyed; and the person in whose possession any of them were found may be condemned to pay a penalty not exceeding two hundred dollars, nor less than fifty dollars and the costs of prosecution, and the half of such penalty shall belong to the informer, and the other half to Her Majesty. 38 V., c. 49, s. 74, *amended*.

Penalty and costs.

(4.) Any person who knowingly has in his possession any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intoxicant, shall forfeit and pay for each offence a penalty not exceeding *two hundred dollars*, nor less than fifty dollars, one half of which shall go to the informer. *Ib.* sub. s. 2.

Penalty for having same in possession.

(5.) Every article, chattel, commodity or thing, in the purchase, acquisition, exchange, trade or barter of which the consideration either wholly or in part may be any intoxicating liquor or intoxicant, shall be forfeited to Her Majesty, and shall be seized as hereinbefore mentioned, in respect to any receptacle of any intoxicating liquor or intoxicant. *Ib* sub s. 3.

Ferfeiture of vessels accesssory to offence.

(6.) Every person who refuses or neglects to aid any constable, sub-constable, or other duly authorized person in the execution of any act or duty required by this section, or who knowingly refuses to give information, or gives false information in respect to any matter arising therefrom, shall be subject to a penalty not exceeding *two hundred dollars* nor less than *fifty dollars*, one half of which shall go to the informer. *Ib.* sub. s. 4.

Penalty for refusing to assist constable.

Intoxicating liquor, defined.

(7.) The expression "intoxicating liquor" shall mean and include all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids; and the expression "intoxicant" shall include opium or any prepartion thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them be liquid or solid. *Ib* sub. s. 5.

Recovery of penalties.

(8.) Any penalty incurred under this section shall be recoverable with costs of prosecution by summary conviction, on the evidence of one credible witness, before any Judge, Stipendiary Magistrate, or Justice of the Peace, having jurisdiction in the North-West Territories, who shall, on payment of the same, pay the informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction, the convicting Judge, Magistrate or Justice may in his discretion levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and costs, to any Common Gaol or House of Correction or Lock-up House within the North-West Territories, for a period not exceeding six months, unless the said penalty and costs be sooner paid. *Ib.* sub s. 6.

Second offence.

(9.) And upon conviction for a second offence, the offender shall be liable to a penalty not less than two hundred and not exceeding four hundred dollars, and in the discretion of the convicting Judge, Magistrate, or Justice to imprisonment for a period not exceeding six months. *Ib.* sub, s. 7.

Want to form not to invalidate seizure.

(10) No seizure, prosecution. conviction or commitment under this Act shall be invalid on account of want of form, so long as the same is according to the true intent and meaning of this Act. *Ib.* sub. s 8.

Customs and Excise laws to apply to N.-W. T.

(11,) Intoxicating liquors imported or brought from any place out of Canada into the North-West Territories, by special permission, in writing, of the Lieutenant-Governor of the said Territories, shall be subject to the several Customs and Excise laws of Canada. 40 V. c. 7, s. 9.

Limitation of prosecutions.

(12.) Prosecutions under this section may be brought at any time within one year from the time when the matter of complaint or information arose.

ROAD ALLOWANCES.

Road allowances.

70. And whereas it is expedient to place all road allowances, highways and trails existing as such previous to official surveys under the control of the Lieutenant-Governor in Council.

In surveyed Townships to be public property of N.-W. T.

1. All road allowances in Townships now or hereafter to be surveyed and subdivided in the North-West Territories, and all road allowances set out on Block lines now or hereafter to be surveyed in the same; the plans of survey whereof

have been duly approved shall be the property of the North-West Territories, and shall be subject to the direction, management and control of the Lieutenant-Governor in Council, or with the advice and consent of the Legislative Assembly, if formed, for the public use of the Territories.

Roads, &c., existing prior to surveys to be transferred to N.-W. T.

2. Whenever the Government of Canada receives notice from the Lieutenant-Governor that it is considered desirable that any particular thoroughfare or public travelled road or trail in the Territories, which existed as such prior to any regular surveys, should be continued as such, the Governor in Council may by order direct the same to be surveyed by a Dominion Land Surveyor, and thereafter may by order transfer the control of each such thoroughfare, public travelled road or trail, according to the plan and description thereof, to the Lieutenant-Governor in Council for the public uses of the Territories.

MISCELLANEOUS.

English or French language may be used in Council, Courts, &c.

71. Either the English or the French language may be used by any person in the debates of the Council or Legislative Assembly of the North-West Territories and in the proceedings before the Courts, and both these languages shall be used in the records and journals of the said Council, or Assembly and all ordinances made under this Act shall be printed in both those languages. 40 V. c. 7, s. 11.

Powers of Stipendiary Magistrates in District of Keewatin.

72. Stipendiary Magistrates appointed under the hereby repealed Acts or under this Act, shall have the same power and authority for trying offences in the District of Keewatin as, under this Act, they have in the North-west Territories, and the provisions herein made as to such trials, and as to imprisonments under sentences, shall apply to the District of Keewatin. 40 V., c. 7, s. 12.

Powers of Judges of Queen's Bench Manitoba, in Keewatin.

2. The Chief Justice or any Judge of the Court of Queen's Bench, of the Province of Manitoba, shall have the same power and authority for trying offences in the District of Keewatin as under this Act a Stipendiary Magistrate or two Stipendiary Magistrates or a Stipendiary Magistrate and two Justices of the Peace have in the North-West Territories, and the provisions herein made as to trials shall, so far as applicable, apply to trials before such Chief Justice or Judge in the District of Keewatin: Provided always, that the Chief Justice or Judge shall not proceed to any such trial unless requested by the Governor in Council. 40. V. c. 7, s. 12.

Proviso.

Repealing and saving clause.

73. The several Acts and parts of Acts repealed by the Act thirty-eight Victoria, chapter forty-nine, shall remain repealed; and the Act last mentioned and the Act fortieth Victoria, chapter seven, are hereby repealed except as to the District of Keewatin, in which they shall remain in force as at present; but such repeal shall not affect any duty accrued, right acquired, or penalty, forfeiture, or liability incurred, or appointment made, under the said Acts or any of them, or any offence committed under them or any of them.

Application of Acts in chedule.

74. The several Acts and parts of Acts mentioned and contained in Schedule to this Act, as limited in the said Schedule, with all now existing amendments thereto, and any Acts amending them or substituted for them in the present session, shall apply to and be in force in the North-West Territories. But, except the Acts mentioned and contained in Schedule to this Act, and except such Acts of the Parliament of Canada or any part or parts thereof as may under the *eighth* section of this Act be made applicable to the North-West Territories, no Act of the Parliament of Canada heretofore passed, and no part thereof, shall apply to or be in force in the said Territories ; and no Act of Parliament hereafter to be passed, and no part thereof, shall apply to or be in force in the said Territories, unless the same be by any such Act or under the *eighth* section of this Act, made applicable to or of force in the said Territories. 38 V., c. 49, s. 77.

SCHEDULE.

Acts of the Parliament of Canada extended to the North-West Territories.

CHAPTER.	TITLE.
	31*st Victoria*, 1867-68.
1	An Act respecting the Statutes of Canada.
8	An Act respecting the Inland Revenue.
12	An Act respecting the public works of Canada.
14	An Act to protect the inhabitants of Canada against lawless aggression from subjects of foreign countries at peace with Her Majesty.
15	An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
36	An Act respecting commissions, and oaths of allegiance and of office.
40	An Act respecting the Militia and Defence of the Dominion of Canada.
69	An Act for the better security of the Crown and of the Government.

SCHEDULE.—Continued.

CHAPTER.	TITLE.
70	An Act respecting riots and riotous assemblies.
71	An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
72	An Act respecting Accessories to and Abettors in indictable offences.
73	An Act respecting the Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
	32, 33 *Victoria*, 1869.
18	An Act respecting offences relating to the Coin.
19	An Act respecting Forgery.
20	An Act respecting offences against the Person.
21	An Act respecting Larceny and other similar offences.
22	An Act respecting Malicious Injuries to Property.
23	An Act respecting Perjury.
24	An Act for the better preservation of the peace on Public Works.
27	An Act respecting Cruelty to Animals.
29	An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law. Sections 1 to 9, both inclusive, relating to the apprehension of offenders; sections 58 to 69, both inclusive; sections 81 to 97, both inclusive, and section 99, relating to the punishment of offences; and sections 125 to 138, both inclusive, relating to pardons, undergoing sentence, limitation of actions and prosecutions, and general provisions.
30	An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences.

SCHEDULE B.—Continued

CHAPTER.	TITLE.
31	An Act relating to the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. Except so much of this Act (or of any Act amending it) as gives any appeal from any conviction adjudged or made under it.
	33rd Victoria, 1870.
9	An Act to amend the Acts respecting Customs and Inland Revenue; and to make certain provisions respecting vessels navigating the inland waters of Canada above Montreal.
28	An Act to amend An Act for the better preservation of the peace in the vicinity of Public Works.
29	An Act to amend An Act respecting cruelty to animals.
36	An Act respecting the marking of timber.
	34th Victoria, 1871.
4	An Act to establish one uniform currency for the Dominion of Canada.
	35th Victoria, 1872.
1	An Act to amend the Act respecting the Statutes of Canada.
24	An Act to remove doubts under the Act respecting the Public Works of Canada.
26	The Patent Act of 1872.
33	An Act for the avoidance of doubts respecting Larceny of Stamps.
34	An Act to correct a clerical error in the Act respecting malicious injuries to property.
	36th Victoria, 1873.
3	An Act to amend the Act respecting Procedure in Criminal Cases.

SCHEDULE B.—Continued.

CHAPTER.	TITLE.
50	An Act to amend the Act respecting Offences against the Person.
	37th Victoria, 1874.
13	An Act to amend An Act respecting the Public Works of Canada.
14	An Act to provide for the construction of the Canadian Pacific Railway.
	38th Victoria, 1875.
7	The Post Office Act, 1875.
	40th Victoria, 1877.
10	An Act to amend and consolidate the Acts respecting the Customs.
25	An Act to make provision for the Extradition of Fugitive Criminals.
28	An Act to amend the Act respecting Offences against the Person.
29	An Act to amend the Act respecting Larceny and other similar offences.
43	An Act to amend the Law respecting the Incorporation of Joint-Stock Companies by Letters Patent.
	41st Victoria, 1878.
7	An Act to provide for the better Auditing of the Public Accounts.
18	An Act to provide that persons charged with common assault shall be competent as witnesses.
	42nd Victoria, 1879.
8	An Act respecting the Official Arbitrators.
9	An Act to amend and consolidate The Railway Act, 1868, and the Acts amending it.

SCHEDULE B.—Continued.

CHAPTER.	TITLE.
15	An Act to alter the Duties of Customs and Excise.
16	An Act to amend and consolidate the Laws relating to Weights and Measures.
17	An Act to amend and consolidate the Laws respecting Duties imposed on Promissory Notes and Bills of Exchange.
20	An Act to amend The Post Office Act, 1875.
22	The Trade-Mark and Design Act, 1879.
31	The Dominion Lands Act, 1879.
47	An Act to make the first day of July a Public Holiday, by the name of Dominion Day.

No. 57.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend and consolidate the several Acts relating to the North-West Territories.

Received and read, first time, Friday, 5th March, 1880.

Second reading, Tuesday, 9th March, 1880.

Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.

1880.

No. 58.] **BILL.** [1880.

An Act to further amend "The Immigration Act, 1869."

Preamble. 32, 33 V., c. 10.

WHEREAS it is expedient to make certain amendments in "The Immigration Act, 1869:" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sec. 9 amended.

1. Section nine is amended by striking out the word "also" in the seventh line, and inserting after the word "them" in the eighth line the words, "and also those who are pauper or destitute persons."

Sub-section 2 of section 11 amended.

2. Sub-section two of section eleven is amended by inserting after the word "infirm" in the second line, the words "pauper or destitute."

Sub-section 5 of section 11 amended.

3. Sub-section five of section eleven is amended by inserting after the word "infirm" in the sixth line thereof, the words "a pauper or destitute."

Section 12 amended.

4. Section twelve is amended by inserting after the word "infirm" in the fourth line, the words "pauper or destitute."

Sub-section 2 of section 12 amended.

5. Sub-section two of section twelve is amended by inserting after the word "infirm" in the ninth line from the end thereof, the words "pauper or destitute."

Section 16 repealed.

6. Section sixteen is hereby repealed.

Short title.

7. "The Immigration Act, 1869," the Act of 1872 amending it, the Act of 1875, and this Act, may be cited together as "The Immigration Act, 1869, and amending Acts."

No. 58.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to further amend "The Immigration Act, 1869."

Received and read first time, Friday, 5th March, 1880.

Second reading, Monday, 8th March, 1880.

MR. FLEMING.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 59.] **BILL.** [1880.

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

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

1. The Act passed by the Parliament of Canada, in the thirty-sixth year of Her Majesty's reign, Chapter two, and intituled: "*An Act to render Members of the Legislative Councils and Legislative Assemblies of the Provinces now included, or which may hereafter be included, within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada*," is hereby repealed. Act 36 V., c. 2, repealed.

No. 59.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

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

Received and read, first time, Friday, 5th March, 1880.

Second reading, Monday, 8th March, 1880.

Mr. OUIMET.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.

1880.

Reprinted

No. 60.] **BILL.** [1880.

An Act to incorporate the South Saskatchewan Valley Railway Company.

Preamble.

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

Certain persons incorporated.

Corporate name.

1. Andrew Robertson, Donald McInnis John Ross, M. H. Cochrane, Duncan McIntyre, J. R. Thibaudeau, and James Turner, Esquires, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the Company to be hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The South Saskatchewan Valley Railway Company," hereinafter called the Company.

Line of railway may be built.

2. The Company shall have full power under this Act to construct a railway from some point to be fixed by the Governor General in Council, on the line of the Canadian Pacific Railway, west of the Province of Manitoba, thence south-westerly in the direction of the Souris, and thence westerly by the best engineering route between the line and parallels heretofore named to the Rocky Mountains, and to construct all necessary bridges over rivers crossing the said line between the above points, and also to build and operate such branch lines of railway from the above described line as may from time to time be approved of by the Governor in Council.

Stations, &c., may be erected.

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

Arrangements with C. P. R.

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

Form of conveyance of land.

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

Provisional directors.

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

Powers of provisional directors.

7. The said provisional Directors, until others shall be appointed, as hereinafter provided, shall constitute the Board of Directors of the Company, of whom five shall form a quorum, with power to fill vacancies occurring therein, to associate with themselves therein not more than five other persons, who, being so appointed shall become and be provisional Directors of the Company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other Directors as hereinafter provided, and with all such other powers as under "*The Consolidated Railway Act*, 1879," are vested in such boards; and the said Directors, or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act.

Grant of land may be made to the company by the Government.

8. As the large immigration to the Territory renders the construction of a railway between the points aforesaid desirable at an early date, therefore, to promote and facilitate the early construction of such a railway, the Dominion Government may grant and donate to the South Saskatchewan Valley Railway Company such of the public lands on each side of its railway and in such proportion per mile as may hereafter be described and set forth by and in any Order made by the Governor in Council.

The land so granted shall, in agricultural districts, be the odd sections (six hundred and forty acres each), equally divided on each side of the line and adjacent thereto, while in grazing districts, the sections may be taken in block on one side of the line. In cases where the alternate odd sec-

tions are not available, the Company may select from the adjacent even numbers, an equal number of sections.

How land shall be conveyed.

2. The land so donated and granted to the Company shall be conveyed to it as follows : When ten miles of the said railway are completed and equipped ready for traffic to the satisfaction of the Dominion Government, then the Dominion Government shall grant a title for the lands so granted as aforesaid ; and so on, from time to time, as each section of ten miles shall be completed.

Exemption from taxes.

3. The land so granted shall be free from taxes until disposed of by the Company by deed.

Land to be open for settlement.

4. The land thus donated to the Company shall be and remain open for the selection, location and occupation of permanent and actual settlers, in lots not exceeding one-half section to a single settler, at such prices and conditions of payment as may be fixed by the Governor General in Council.

Bonds may be issued on security of land.

5. In order to procure funds to aid and facilitate the construction of the road, the Company may bond the land granted, or any portion thereof, on such terms and conditions as may be approved of by the Governor in Council. The funds procured by the sale of such bonds shall be deposited in the Dominion Treasury, to be paid out on the progression estimates of the works made from time to time.

How secured.

6. For the security of the bond holders, land owners and others interested, payment on lands shall be made to the Minister of Finance and Receiver General of the Dominion, who shall grant receipts and deeds, and give releases of such bonds, and who shall apply all such funds as are so received in paying the interest and principal of such bonds, and refund any balance, after liquidating such liabilities, to the Company.

Property exempt from taxation.

9. The railway and other property of the Company shall be free from municipal and other taxes until the railway earnings shall pay dividends of six per cent annually on its cost, after liquidating all other liability and working expenses.

Capital stock and shares.

10. The capital stock of the Company shall be ten thousand dollars per mile, divided into one hundred shares of one hundred dollars each (with power to increase the same in the manner provided by "*The Consolidated Railway Act*, 1879,") and the said sum shall be raised by the persons and corporations who may and shall become shareholders in the Company ; and the money so raised shall be applied in the first place to the payment and discharge of all expenses and disbursements for making the survey, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said Railway, and

the other purposes of this Act, and no other purposes whatsoever ; and until such preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any city, county, township, town or village, on the line of such works, or for any individual or individuals, to pay and advance, either by way of bonus or donation, or by any way of loan to the Company, such preliminary expenses or any part thereof, as to the council of such municipality, or to such individual or individuals may appear expedient ; and in case of a loan any such sum so advanced shall be refunded to the municipality or individual or individuals from the stock of the Company, or shall be allowed in payment of any stock which may be subscribed for by such municipality or individuals.

Preliminary expenses may be advanced.

Repayment.

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

Ten per cent. to be paid on subscription.

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

Calls

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

Certain payments may be made in paid up stock.

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

Shares may be paid up in full.

15. As soon as shares to the amount of twenty per centum of the capital stock of the Company shall have been subscribed per mile of the first division, and ten per centum thereof paid into some chartered bank having an office in the Dominion (which shall on no account be withdrawn therefrom unless for the purposes of the Company), the Directors shall call a general meeting of the subscribers to the said

First general meeting of shareholders.

capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing Directors of the Company.

Notice of meeting and proceedings thereat.

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

Annual general meeting.

17. Thereafter the annual general meeting of the shareholders of the Company shall be held in such place, and on such day and at such hours, as may be directed by the by-laws of the Company, and public notice thereof shall be given at least four weeks previously in the *Manitoba Gazette*, and once a week for four weeks in some other newspaper published in the Province of Manitoba.

Special general meetings.

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

Votes on shares.

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

Quorum.

20. Any meeting of the elected Directors of the Company regularly summoned, at which not less than six Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors, and the said Board of Directors may employ and pay one of their number as Managing Director.

Managing director.

Qualification.

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

Highways may be used on certain conditions

22. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the Company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any

joint-stock company ; and if such be either in the possession or under the control of any joint-stock company, then with the assent of such Company ; and it shall and may be lawful for the Company to enter into and perform any such agreements as they may, from time to time, deem expedient with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Grants in aid may be received.

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

Aid from municipalities and others.

24. Any municipality through which the said railway may pass is empowered to grant, by way of gift, to the said Company any land belonging to such municipality which may be required for right of way, station ground or other purposes connected with the running or traffic of the said railway ; and the Company shall have power to accept gifts of land from any government or any persons, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the Company.

Aid by loan or guarantee.

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

Proviso : to be sanctioned by by-law.

Appointment of trustees in such case.

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

27. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the Company; and in case any trustee dies or resigns his trust, or removes his residence out of the North-West Territory or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the Company. Vacancies, how filled.

28. The said trustees shall receive the said debentures in trust; firstly, to deposit the same in some chartered Bank of Canada; secondly, to convert the same or any of them into money whenever required to do so by the Directors, but subject to the conditions of the by-law in relation thereto as to time and manner, and to deposit the amounts realized from the sale thereof in such Bank in the name of "The South Saskatchewan Valley Railway Company Municipal Trust Account;" and to deliver the said debentures to the Company, or to pay the said money out to the Company from time to time on the certificate of the chief engineer of the said railway, in the form set out in Schedule B hereto or to the like effect, setting out the portion of the railway to which the money to be paid out or the debentures to be delivered are to be applied, and the total amount per mile for the length or portion of the road to which the said money or debentures are to be applied, and such certificates shall be attached to the cheques or orders to be drawn by the said trustees; and the wrongfully granting of any such certificate by the said engineer shall be punishable by a penalty of not less than one thousand dollars, recoverable in any court of competent jurisdiction, and the wilfully and wrongfully granting of any such certificate by such engineer shall be a misdemeanor and punishable by a fine of not less than one thousand dollars, or by imprisoment, or both, at the discretion of the court. Powers and duties of the trustees. Penalty for wrongful certificate.

29. It shall and may be lawful for the council of any municipality that may grant a bonus to the Company to extend the time for the completion of the works, on the completion of which the Company would be entitled to such bonus. Time may be extended.

30. The Directors of the Company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the seal of the Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and be considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, then existing and any time after acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking, and upon the Company may issue bonds.

Proviso: amount limited.

property of the Company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile of the said road, and in the computing of mileage for the issue of such bonds, all sidings shall be reckoned and included in addition to the main line and branches of the said road; and provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the Company to register the same on being required to do so by any holder thereof.

Rights of bond-holders if interest is not paid.

Bonds may be made to bearer.

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

May be in currency or sterling.

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

Company may become parties to promissory notes, &c.

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

Proviso: as to bank notes.

Lands for stations, &c.

34. The Company shall have full power, for the purposes of the said railway, to purchase or lease any land for the purpose of erecting depots, stations, warehouses, workshops, offices and other buildings and works, and to sell, dispose of and convey all such lands as they may at any time deem superfluous, and convey such land by deed under their

common seal; and a deed so executed shall be effectual to vest the lands comprised therein in the grantee or purchaser of the said lands freed and discharged of the said charge or lien, as though he had acquired the same from the party or parties from whom the Company obtained the same.

Telegraph lines may be constructed.

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

Time for commencement and completion of railway.

36. The works shall be commenced when the Canadian Pacific Railway shall be completed to the point of commencing the railway hereby authorized, and the *first* division thereof shall be completed twelve months thereafter, and ready for traffic, and the line continued westerly, as the development of business by the continuous settlement of the zone aforesaid, from east to west, shall require the same.

SCHEDULE A.

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

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

Signed, sealed and delivered, }
in presence of . } (L.S.)

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

The South Saskatchewan Valley Railway Company's Office, A.D, 18 .

No.

Certificate to be attached to cheques drawn on the South Saskatchewan Valley Railway Company Municipal Trust Account, and given under section of chapter Victoria.

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

No. 60.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate The South Saskatchewan Valley Railway Company.

Received and read first time, Monday, 8th March, 1880.

Second reading, Tuesday, 9th March, 1880.

(PRIVATE BILL.)

Mr. ROBERTSON,
(Hamilton.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 60.] **BILL.** [1880.

An Act to incorporate the South Saskatchewan Valley Railway Company.

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

Preamble.

WHEREAS the construction of a railway, with branches as hereinafter set forth, is desirable for the development of certain portions of the country in the territory westerly of the Province of Manitoba, between the international boundary and the fifty-first parallel of north latitude, and for the public convenience and accommodation of the inhabitants thereof by connecting the settlements and communities by railway by the most direct and practicable line with the Canadian Pacific Railway, and thereby with the older Provinces of the Dominion and the markets of the east; and whereas a petition has been presented praying for the incorporation of a Company to construct and work the same, and to construct, own, and operate lines of telegraph along the line of such railway, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Andrew Robertson, Donald McInnis, John Ross, M. H. Cochrane, Duncan McIntyre, J. R. Thibaudeau, and James Turner, Esquires, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the Company to be hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The South Saskatchewan Valley Railway Company," hereinafter called the Company.

Corporate name.

Line of railway may be built.

2. The Company shall have full power under this Act to construct a railway from some point to be fixed by the Governor General in Council, on the line of the Canadian Pacific Railway, west of the Province of Manitoba, thence south-westerly in the direction of the Souris, and thence westerly between the line and parallel heretofore named to the Rocky Mountains, on a line to be approved by the Governor in Council, and to construct all necessary bridges over rivers crossing the said line between the above points, and also to build and operate such branch lines of railway from the above described line as may from time to time be approved of by the Governor in Council.

Stations, &c. may be erected.

3. The Company may construct depots, stations, warehouses, elevators, workshops, offices, and other buildings and

works at or near any one or more of the several points on the line of railway hereby authorized.

Arrangements with C. P. R.

4. It shall be lawful for the Company to enter into any arrangement with any other railway company for the working of the said railway, or for granting running powers thereon or for leasing the said railway, or any part thereof, or the use thereof, at any time or times, or for any period, or for hiring or leasing from such other company its railway or any part thereof, or the use thereof subject to the approval of the Governor in Council.

Form of conveyance of land.

5. Conveyances of land to the Company for the purposes of and exercise of the powers given by this Act, made in the form in the schedule A to this Act, or to the like effect, shall be a sufficient conveyance to the Company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of the North-West Territory.

Provisional directors.

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

Powers of provisional directors.

7. The said provisional Directors, until others shall be appointed, as hereinafter provided, shall constitute the Board of Directors of the Company, of whom a majority shall form a quorum, with power to fill vacancies occurring therein, to associate with themselves therein not more than five other persons, who, being so appointed shall become and be provisional Directors of the Company equally with themselves, to open stock books, to call a meeting of the subscribers thereto for the election of other Directors as hereinafter provided, and with all such other powers as under "*The Consolidated Railway Act*, 1879," are vested in such boards ; and the said Directors, or a majority of them may, in their discretion, allocate and apportion the stock so subscribed among the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking.

Capital stock and shares.

8. The capital stock of the Company shall be five million dollars divided into shares of one hundred dollars each (with power to increase the same in the manner provided by "*The Consolidated Railway Act*, 1879,") and the said sum shall be raised by the persons and corporations who may and shall become shareholders in the Company ; and the money so raised shall be applied in the first place to the payment and discharge of all expenses and disbursements connected with the organization of the Company and other preliminary expenses and for making the survey, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said Railway, and the other purposes of this Act, and no other purposes whatsoever.

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

Ten per cent. to be paid on subscription.

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

Calls.

11. The Directors elected by the shareholders may make or issue stock as paid up stock, and may pay, or agree to pay in such paid up stock, or in the bonds of the Company, such sums as they deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock; and also, when sanctioned by a vote of the shareholders, at any general meeting, for the services of such persons as may be employed by the Directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock.

Certain payments may be made in paid up stock.

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

Shares may be paid up in full.

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

First general meeting of shareholders.

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

Notice of meetin7 and proceedings thereat.

Annual general meeting.

15. Thereafter the annual general meeting of the shareholders of the Company shall be held in such place, and on such day and at such hours, as may be directed by the by-laws of the Company, and public notice thereof shall be given at least four weeks previously in the *Canada Gazette*, and once a week for four weeks in some newspaper published in the Province of Manitoba, and in one other paper published in the North-West Territories.

Special general meetings.

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

Votes on shares.

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

Quorum.

18. Any meeting of the elected Directors of the Company regularly summoned, at which a majority of the Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors'

Managing director.

and the said Board of Directors may employ and pay one of their number as Managing Director.

Qualification.

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

Agreements as to public roads.

20. It shall and may be lawful for the Company to enter into and perform any such agreements as they may, from time to time, deem expedient with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Grants in aid may be received.

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

Company may issue bonds.

22. The Directors of the Company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the President or Vice-President of the Company, and

countersigned by the Secretary and Treasurer, and under the seal of the Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and be considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, then existing and any time after acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking, and upon the property of the Company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile of the said road, and in the computing of mileage for the issue of such bonds, all sidings shall be reckoned and included in addition to the main line and branches of the said road; and provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the Company to register the same on being required to do so by any holder thereof.

Proviso: amount limited.

Rights of bondholders if interhst is not paid.

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

Bonds may be made to bearer.

24. The bonds of the Company may be made payable, principal and interest, in Canadian currency, or in sterling in any place named in the bond.

May be in currency or sterling.

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

Company may become parties to promissory notes, &c.

Proviso: as to bank notes. Lands for stations, &c.

bearer, or intended to be circulated as money or as the notes or bills of a bank.

Lands for stations, &c.

26. The Company shall have full power, for the purposes of the said railway, to purchase or lease any land for the purpose of erecting depots, stations, snow fences, screens and dumps, warehouses, workshops, offices and other buildings and works, and to sell, dispose of and convey all such lands as they may at any time deem superfluous, and convey such land by deed under their common seal.

Telegraph lines may be constructed.

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

C. P. R. to have running powers.

28. The Governor in Council shall have, for and on behalf of the Canadian Pacific Railway, running powers over the said road subject to such terms as shall be agreed upon with the Company, or on failure to agree, as shall be fixed and determined by arbitrators to be appointed by such Company and the Governor in Council respectively, and such third person as shall be appointed by a Judge of the Supreme Court of Canada, at the request of the said Company or of the Minister of Railways and Canals.

Time for commencement and completion of railway.

29. The works shall be commenced not later than the time when the Canadian Pacific Railway shall be completed from the Red River to the point of commencing the railway hereby authorized, and not less than twenty miles thereof shall be completed each year to the satisfaction of the Governor in Council, provided that on failure to commence and carry on the work as herein provided the powers granted to the Company by this Act to extend their line of railway for any further distance than the length of the line then completed shall be forfeited.

SCHEDULE A.

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

ditions required) and I (*or* we) the wife (*or* wives) of the said
do hereby bar my (*or* our) dower in the said
lands.

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

Signed, sealed and delivered, }
in presence of } (L.S)

No. 60.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate The South Saskatchewan Valley Railway Company.

[*Reprinted as amended by the Select Standing Committee on Railways, Canals and Telegraph Lines.*]

(PRIVATE BILL.)

Mr. ROBERTSON,
(Hamilton.)

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.,

1880.

No 61] **BILL.** [1880.

An Act to make provision for the winding up of Insolvent Incorporated Banks and other Incorporated Companies.

Preamble.

WHEREAS it is expedient to make provision for the winding up of the estates of insolvent incorporated banks and other incorporated companies when insolvent: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Application of this Act.

1. This Act shall apply to banks and other companies incorporated by Act of this Parliament or by the Legislature of the late Province of Canada, or by the Legislature of any one of the provinces, either before or after the Union, or by letters patent of incorporation issued at any time in any of the provinces,—except fire or marine insurance companies.

What shall constitute a bank insolvent.

2. Any suspension by an incorporated bank of payment of any of its liabilities as they accrue, in specie or Dominion notes, shall, if it continues for ninety days, constitute the bank insolvent, and operate a forfeiture of its charter so far as regards the issue or re-issue of notes and other banking business, and the charter shall remain in force only for the purpose of enabling the Directors or Receiver to collect debts owing to the bank, and to make calls upon its stockholders and wind up its business.

3. Excepting banks, the other companies to which this Act applies, shall be held to be and to have become insolvent and liable to be wound up under the provisions of this Act by failure to pay any undisputed claim for the space of thirty days after its being due and payable, or if disputed then for fifteen days after the rendering of final judgment thereon against such company, except such judgment be appealed from, in which case, fifteen days after the confirmation of such judgment by the court of appeal.

Writ of attachment, in case of insolvency and how obtainable.

4. In case of the insolvency of any bank or company, any creditor of such bank or company, upon affidavit setting forth the insolvency of such bank or company, and upon an order of a judge as hereinafter provided, may obtain from the superior or county court in the county or district in which such bank or company has its head office or chief place of business, a writ of attachment directed to the sheriff or other officer of such court for such county or district as usually

executes ordinary writs of attachment issuing from such court, ordering such officer to attach and hold in his custody the estate of such bank or company.

Form of writ.

5. Such writ of attachment shall be signed by the officer of the court empowered to sign ordinary writs of attachment issued out of the court, and shall be clothed with the formalities of such ordinary writs of attachment as far as may be practicable.

Execution of the writ, duty and responsibility of officer executing it.

6 The officer to whom such writ is directed, or his deputy, shall upon receipt of the writ immediately execute the same by serving a copy thereof upon such bank or company, and by publishing for two weeks a notice in the *Canada Gazette*, and in two newspapers published in the locality of the head office of such bank or company, of the fact of the issuing of such writ of attachment; he shall at once take possession of the office and of all the money and moveable property of such bank or company, including their books of account, and shall make an inventory of all property of which he takes possession; all such property shall remain in the custody and possession of such officer, until otherwise disposed of by judgment or order of the court issuing such writ of attachment, or of a judge thereof; he shall, immediately upon the completion of such inventory, return the writ of attachment to the court issuing the same, with a return of his proceedings thereunder; such officer shall have the power to employ such assistants as may be necessary to complete such attachment, make such inventory. and keep and guard the property; and he shall be held responsible for the production of such property whenever legally required to produce the same; and in case of his failure to produce such property when so called upon or to pay the value thereof, he shall be imprisoned until he do produce the same or pay the value thereof.

Return to be made.

Assistants may be employed.

Payment of attaching officer.

2. Such officer shall be entitled to receive and shall be paid such reasonable sum as the court issuing such attachment may fix, after notice to the parties interested; and the same shall form part of the costs in the case.

President, &c., to assist the officer in his duties.

3. The president, directors, managers, and employees of such bank or company, and every other person, shall assist such officer and his assistants in preparing the inventory; and such president, directors, or manager shall furnish the said officer with a certificate, signed with their own hands, stating that the said inventory prepared by the said officer is correct, and that it truly and faithfully represents the financial state and condition of such bank or company, or stating that said inventory is incorrect, and that it does not truly and faithfully represent the state, condition and affairs of such bank or company, in which latter case the said president, directors, or manager shall, in their certificate, specify the particulars in which such inventory is incorrect.

Inventory.

Correctness may be disputed.

President, &c., refusing

4. The president, directors, managers and employees of such bank or company refusing to assist in the preparation

of such inventory, or to give such certificate, or obstructing the said officer in the discharge of his duties, shall be liable to be imprisoned as for contempt of court, and may be summarily brought before a judge of the court to show cause why they should not be imprisoned, and such judge shall have all the powers of the court to order the imprisonment of such persons.

assistance to be punished as for contempt of court.

5. The officer in charge of said writ of attachment shall do and perform all acts of a conservatory character necessary, while the estate of such bank or company is in his possession, and shall cause all notes, bills and drafts to be presented for acceptance or payment, and to be protested when necessary.

Officer may perform all conservatory Acts.

7. In case the bank or company have, when such writ issues, money or securities in any other bank, the officer in charge of said writ shall serve a copy of the writ upon said other bank, and thereafter the said bank shall hold such money or securities subject to the order of the court issuing the writ of attachment or of a judge thereof; and all post letters for the bank or company arriving after the issuing of the writ of attachment shall be held by the officer in charge of the writ of attachment subject to the orders of the court issuing the same or of the judge thereof.

Copy of writ to be served on other banks in certain cases.

Post letters to bank or company to be held by officer.

8. The said writ of attachment shall only be issued upon an order of the judge of the superior or county court in the county or district in which such bank or company has its chief place of business, upon application made to such judge after due notice to the bank or company interested, and the *judges of such courts* shall have primary jurisdiction in all matters arising under this Act.

What judges may issue writs, &c.

2. The judge may adjourn proceedings upon any application for a writ of attachment for a time not exceeding six months from the time at which the bank or company became insolvent, and he may, before granting a writ of attachment, order an accountant or other person whom he may name to inquire into the affairs of the bank or company, and to report thereon within a period not exceeding thirty days from the date of such order.

Adjournment of proceedings by judge, or appointment of accountant.

3. Upon such order it shall be the duty of such bank or company, and of the president, directors, managers and employees thereof, and of every other person, having possession or knowledge thereof, to exhibit to the accountant or other person so named as aforesaid, or to his deputy, the books of account, together with all inventories, papers and vouchers referring to the business of the bank or company, or of any other person: and generally to give all such information as may be required by the said accountant or other person as aforesaid, to form a just estimate of the affairs of the bank or company; and any refusal on the part of the said president, directors, managers or employees of the company to give such information shall, on evidence of such refusal, be considered as a contempt of an order of the court or judge, and punishable by fine or imprisonment, or by both, at the discretion of the judge.

Bank or company to exhibit books, &c.

Refusal to be a contempt of court.

After service of writ, property of bank or company to be held in trust.

4. From the time the above order is served upon the bank or company, the president, directors, managers and employees thereof, and all other persons having the control or possession of its affairs or property, shall hold the estate and property of the said bank or company upon trust for the creditors of the said bank or company, and shall be bound to account for all the property of the said bank or company under the same obligations, liabilities and responsibilities as trustees appointed by courts of law or equity in the several provinces, or as guardians and sequestrators in the Province of Quebec, are bound.

Meeting of creditors.

5. Upon the report of the accountant or other persons so named as aforesaid, or before any order is given for the examination into the affairs of the bank or company, as herein provided, the judge may order that a meeting of the creditors be called,—at which meeting the creditors present, who shall verify their claims under oath, may pass such resolutions either for the winding up of the affairs of the bank or company or for allowing the business thereof to be carried on, as they may deem most advantageous to the creditors; and may also indicate the mode in which the business of the company shall be wound up or shall be continued; stockholders of the bank or company may take part in this meeting.

Stockholders may take part in it.

How the meeting shall be called and held.

6. Such meeting shall be called by publishing for two weeks, in the *Canada Gazette* and in two newspapers published in the county or district, a notice calling the same, and the meeting shall be held in the presence of and under the direction of the judge.

Powers of judge as to resolutions at meeting.

7. The judge, after hearing such creditors and stockholders as may be present, the accountant or other person named as aforesaid, and the bank or company, may confirm, reject or modify the said resolutions; and he may order the immediate issue of a writ of attachment to attach the estate of the bank or company, or direct that the issue of such writ shall be suspended for a period not exceeding six months,—during which period he may order that the accountant so named or some other person named by the judge, shall exercise a general supervision over the estate and business of the bank or company, by requiring from the president, directors, managers and employees of the bank or company, such periodical accounts and statements of the business done, and of the moneys received and expended or disbursed since the then last statement, as may be required by the said accountant or other person named as aforesaid, in order to obtain a proper knowledge of the affairs of the bank or company.

Supervision of accountant over estate.

Judge may appoint a receiver.

8. The judge may also, if he deems it for the advantage of the creditors, appoint a receiver who shall be charged with such duties as to the superintendence or management of the affairs of the bank or company as may be imposed upon him by the order of the judge; and who shall also assume and be invested with all the powers vested in the directors and stockholders respecting the calling in and collecting of the unpaid stock of the bank or company, and subject

to such orders and directions as he may, from time to time, receive from the judge.

His powers and duties.

9. Such receiver shall account, whenever ordered by the court or judge, for all moneys or property he may have received from the estate.

Receiver to account, and call another meeting of creditors.

10. Before the expiration of the six months next after such order, the accountant or other person so named as aforesaid, or the receiver, as the case may be, shall cause another meeting of the creditors *and stockholders* to be called.

Further delay or issue of writ.

11. On the resolutions adopted at such meeting the judge may either grant a further delay not exceeding six months, or cause a writ of attachment to issue at the instance of any creditor or creditors.

If demands still unsatisfied estate to be wound up.

12. If, at the expiration of such prolonged delay, the demands made upon the bank or company to place it in liquidation have not been satisfied, or if in the case of a bank such bank is not in a position to resume specie payments, the judge shall order the issue of a writ of attachment; and the estate of the said bank or company shall be wound up under the provisions of this Act, unless the creditor or creditors entitled to such writ consent to a further delay.

Exception.

Judge may modify his orders.

13. Nothing in this section shall prevent the judge before the expiration of the delays he may have granted under the preceding sub-sections, from cancelling the orders so given by him, and from ordering the issue of a writ of attachment or from releasing the bank or company from the effect of any such order, as circumstances may require.

Examination of officers or emyloyees of the bank or company.

14. The president, directors, managers or other officers or employees of the bank or company and any other person may be examined by the judge respecting the affairs of the bank or company; and each of them shall, for refusal to answer any question put in reference to the business within his own cognizance, be liable to the same penalties as ordinary witnesses refusing to answer in a court of justice.

Remuneration of accountant, &c.

15. The remuneration of the accountant or other person named as aforesaid, and of the receiver, for services performed under the preceding sub-sections shall be fixed by the judge, after notice to parties interested.

A bank or company may be a receiver.

16. An incorporated bank or company may be appointed a receiver, and in case of such appointment may act through one or more of its principal officers to be approved by the judge.

How notices may be published.

17. Publication in the *Canada Gazette* and in two newspapers published at or nearest the place where the head office of the bank or company is situated, of notice of any proceeding of which under this Act creditors and others should be notified, shall be deemed sufficient notice to such creditors and other persons.

Petition for setting aside proceedings.

18. In case the writ issues without any adjournment of proceedings the bank or company may present a petition to the judge at any time within five days from the service of the writ of attachment, and may thereby pray for the setting aside of the attachment made under such writ, on the ground that the bank or company has not become subject to liquidation : and such petition shall be heard and determined by the judge in a summary manner, and comformably to the evidence adduced before him thereon ; and the judgment, subject to appeal as hereinafter provided, shall be final and conclusive.

How heard and determined.

Proceedings on return of writ.

9. Immediately after the return of a writ of attachment the judge shall call a meeting of the creditors and stockholders of the bank or company, and after hearing them and other parties interested he shall appoint a receiver whose duty it shall be to wind up the affairs of the bank or company as expeditiously as possible.

Receiver to give notice and security.

2. The receiver shall give notice of his appointment in the manner herein provided for the publication of notices, and he shall give such security as the judge may fix.

Directions by judge.

10. In the order appointing the receiver, the judge may direct him how he shall proceed to wind up the bank or company.

How receiver shall proceed in absence of directions.

11. In case no direction is given the receiver shall as soon as practicable realize the assets of the bank or company by selling its property in a public manner, after proper notice : he may, with the authority of the judge, sell or compound bad or doubtful debts, and enforce the individual liability of shareholders to the bank or company : he shall, by public notice, call upon the creditors to fyle their claims with him, and as soon as practicable he shall prepare a dividend sheet in which he shall set down the names of all creditors so far as known to him, with the amount of their claims respectively, and the amount which he proposes to pay to each.

Dividend sheet.

Deposit thereof.

This dividend sheet shall be deposited in the office of the receiver and a copy of it shall be sent to every creditor to an amount exceeding one hundred dollars.

Notice of deposit.

Public notice shall also be given in the manner provided by this Act of the deposit of such dividend sheet, and that it will be presented to a judge for approval on a day fixed in the notice, which shall not be less than thirty days from the first publication of the notice.

Presentation to judge for approval.

If no objection to the dividend sheet is fyled with the receiver, he shall on the day fixed present the same to a judge for approval and confirmation.

Payment of creditors collocated.

2. After the dividend sheet has been approved by the judge, the same shall be final and conclusive as establishing who are creditors and what amount they are respectively entitled to be paid out of the assets of the bank or company, and the receiver shall without delay pay to the creditors the amount for which they have been collocated.

Contestation of dividend sheet.

3. In case the dividend sheet is contested, the receiver shall on the day fixed present the sheet with the contesta-

tions thereof to the judge, who shall in a summary manner try the issues raised by the contestations, and by his judgment either confirm the sheet or order a new one to be made.

Privileged credttors.

4. In the preparation of dividend sheets the rights of privileged creditors shall be preserved.

Partial or interim dividend sheet.

5. The judge may order interim or partial dividend sheets to be prepared in cases where the preparation of the final dividend sheet must necessarily be delayed; such interim sheets shall be prepared and deposited in the manner provided for final dividend sheets.

Payment of bill holders or depositors of a bank.

6. In the case of a bank the receiver may at any time after his appointment under the order of a judge pay the depositors, or the depositors and bill holders, either in full or a fixed percentage of their claims, and it shall be his duty to ascertain as nearly as may be the amount of notes of the bank intended for circulation and actually outstanding, and to reserve until at least two years after the bank has become insolvent, or until the last dividend in case that is not made till after the expiration of the said time, dividends on such part of the said amount in respect of which claims may not be filed; and if claims have not been filed and dividends applied for in respect of any part of the said amount before the period herein limited the dividends so reserved shall form the last or part of the last dividend.

Preservation for unfiled claims.

Last dividend.

Rights and powers of receiver.

7. A receiver appointed under this Act shall be entitled to take immediate possession of the property, moveable and immoveable, office and place of business, and of all notes, drafts, bills, papers, books of account, and other things whatsoever of the bank or company, and in case of resistance may obtain an order from a judge to take forcible possession thereof. He may, and it shall be his duty, without any authority from a judge, to do all acts of administration and of a conservatory character.

The same. Receiver to be an officer of the court.

Not to purchase assets.

12. The receiver shall be an officer of the court and under the control and direction of the judge who may authorize and order such receiver to perform any act necessary to the winding up of the bank or company: the receiver may not directly or indirectly buy any of the assets of the bank or company, except by leave of the judge.

Further rights and powers of a receiver.

13. Upon the appointment of a receiver, all right, power, title and interest which the bank or company has in and to any real estate or personal property, including their books of account, vouchers, letters, titles to property and other papers, all moneys, negotiable papers, stocks, bonds and other securities, and generally all assets of every kind and description, shall vest in the receiver under the same charges and obligations as the bank or company was liable to with regard to the same, and he may exercise all the rights and powers of the bank or company in respect to their estate, and in his own name, as such receiver, shall have the exclusive right to

sue for the recovery of all debts due to the bank or company, and to rescind agreements and deeds made in fraud of creditors, and to take, both in the prosecution and defence of all suits, all the proceedings that the bank or company might have taken, and he may intervene in all suits pending at the time of his appointment, in which the bank or company is interested.

Death or removal of receiver.

14. Upon the death of a receiver, or upon his removal from office, the estate shall remain under the control of the judge until the appointment of another receiver by the judge, when the estate shall become vested in such new receiver.

Registration of writ of attachment.

15. A copy of the writ of attachment certified by the clerk of the court or prothonotary, shall forthwith be registered in the registry office of the county wherein the bank or company have their chief place of business, and also in every county or registration district wherein they may have any real estate; in the Province of Quebec such writ of attachment shall be accompanied by the description of the real estate belonging to the company, and shall be registered in the county or registration district wherein the same is situate, and after such registration the bank or company shall not sell or convey such real estate so long as the attachment subsists.

In Quebec.

By whom to be made.

2. The officer charged with the execution of the writ or attachment shall effect such registration, provided the bank or company owns any real estate.

How receiver may sell real estate.

16. The receiver may sell the real estate of the bank or company but only after advertisement thereof for a period of two months, and in the same manner as is required for the advertisement of sales of real estate by the sheriff in the place where such real estate is situate.

Title of purchaser.

17. All sales of real estate so made by the receiver shall vest in the purchasers all the legal and equitable estate of the bank or company therein.

Mortgage and privileged claims, &c.

18. Out of the proceeds of the sale of such real estate, shall first be paid the amount of any mortgage or privileged claim thereon.

No lien to be created under execution issued after estate is in liquidation.

19. No lien or privilege upon either the personal or real estate of the bank or company shall be created for the amount of any judgment debt, or the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the bank or company, if before the payment over to the plaintiff of the moneys actually levied under such writ, the estate of the bank or company has been put in liquidation under this Act; but this provision shall not affect any lien or privilege for costs which the plaintiff possesses under the law of the Province in which such writ shall have been issued.

Exception as to costs.

2. The estate shall be in liquidation from the moment the writ of attachment issues. When liquidation commences.

20. No costs incurred in suits against the bank or company, after due notice has been given according to the provisions of this Act, of the issue of a writ of attachment in liquidation, shall rank upon the estate of the bank or company; but all the taxable costs incurred in proceedings against it up to that time shall be added to the demand for the recovery of which such proceedings were instituted; and shall rank upon the estate as if they formed part of the original debt, except as herein otherwise provided. As to costs in suits after issue of writ of attachment.

21. Except when otherwise provided by this Act, one clear juridical day's notice of any petition, motion, order or rule, shall be sufficient if the party notified resides within fifteen miles of the place where the proceeding is to be taken; and one extra day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding; and service of such notice shall be made in such manner as is now prescribed for similar services in the Province within which the service is made. Notices under this Act, what sufficient. Service, how made.

22. In the Province of Quebec all decisions by a judge in chambers in matters arising under this Act shall be considered as judgments of the Superior Court, and any order or judgment rendered by such judge or court may be inscribed for revision or may be appealed from by the parties aggrieved in the same cases and in the same manner as they might inscribe for revision or appeal from a final judgment of the Superior Court in ordinary cases, under the laws in force when such decision shall be rendered. If any of the parties to any contestation, matter or thing upon which a judge has made any order or judgment are dissatisfied with such order or judgment, they may, in the Province of Ontario, appeal therefrom to either of the superior courts of common law or to the Court of Chancery, or to any one of the judges *of the said courts;* in the Province of New Brunswick to the Supreme Court of New Brunswick, or to any one of the judges of the said court; in the Province of Nova Scotia to the Supreme Court of Nova Scotia, or to any one of the judges of the said court; in the Province of British Columbia to the Supreme Court of that Province, or to any judge of the said court; in the Province of Prince Edward Island to the Supreme Court of Judicature, or to any judge of the said court; in the Province of Manitoba, to the Court of Queen's Bench, or to any judge of the said court; in the North-West Territories or Keewatin;— Appeal from Judge's decision in Province of Quebec. And in other Provinces. Ontario. New Brunswick. Nova Scotia. British Columbia. P. E Island. Manitoba. N.-W. T. or Keewatin.

but any appeal to a single judge in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island or Manitoba, may, in his discretion, be referred, on a special case to be settled, to the full court, and on such terms in the meantime as he may think necessary and just. No such appeal or proceeding in revision shall be entertained unless the appellant or party inscribing for revision shall have, within eight days from the rendering of such final order or judgment, adopted proceed- Power of judge to refer, &c. Conditions of allowance of appeal.

Security to be given.

Ifappellant does not proceed.

ings on the said appeal or revision, or unless he shall, within the said delay, have made a deposit or given sufficient sureties before a judge that he will duly prosecute the said appeal or proceedings in revision, and pay such damages and costs as may be awarded to the respondent. If the party appellant does not proceed with his appeal, or in review, as the case may be, according to the law or the rules of practice, the court, on application of the respondent, may order the record to be returned to the officer entitled to the custody thereof, and condemn the appellant to pay the respondent the costs by him incurred.

All transfers or assignments of property or claims of the bank or company after or in view of insolvency to be void.

23. All transfers of the notes, bonds, bills of exchange, or other evidences of debt, owing or belonging to any such bank or company, or of deposits to its credit, all assignments of mortgages on real or personal estate or of judgments or decrees in its favor, all deposits of money bullion, or other valuable thing for its use or for the use of any of its shareholders or creditors, and all payments to either, and all sales of any of its real or personal estate and all mortgages thereof made after insolvency or in contemplation thereof, or made with a view to prevent the application of its assets in the manner prescribed by this Act, or with the view to the preference of one creditor to another, shall be utterly null and void.

Surplus funds to be paid to shareholders.

24. The assets of such bank or company remaining after the full payment of all creditors shall be paid over to the shareholders, or their legal representatives in proportion to the stock by them respectively held.

No bank business after insolvency.

25. Nothing herein contained shall be held to authorize the carrying on or continuing the business of a bank after it has become insolvent as aforesaid.

Certain fees and allowances to be first charge on estate.

26. The sums allowed by the judge to the officer executing the writ of attachment, and to the receiver to cover expenses including law costs, and remuneration for services of themselves and persons employed by them, shall be the first charge upon the estate of such bank or company.

Act, 39 Vic., c. 31 repealed.

27. Chapter thirty-one of the Acts of the Parliament of Canada, passed in the thirty-ninth year of the reign of Her Majesty, and intituled "*An Act to make provision for the winding up of insolvent incorporated Banks*" is hereby repealed.

No. 61.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to make provision for the winding up of insolvent incorporated Banks and other companies.

Received and read, first time, Monday, 8th March, 1880.

Second reading, Tuesday, 9th March, 1880.

Mr. IVES.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 62.] **BILL.** [1880.

An Act to amend "An Act to provide that persons charged with common assault shall be competent as witnesses," 41 Victoria, chapter 18.

Preamble. 41 V., c. 18.

IN amendment the Act passed in the forty-first year of Her Majesty's reign and intituled: "*An Act to provide that persons charged with common assault shall be competent as witnesses*:" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 1 amended.

1. Section one of the said Act is amended by striking out the words "common assault" in the second line thereof, and substituting therefor the words "a misdemeanor."

Section 3 amended.

2. Section three of the said Act is amended by striking out the words "common assault" in the fourth line thereof, and by substituting therefor the words "a misdemeanor." The third section is further amended by striking out all the words after the word "defendant" in the seventh line thereof and by adding the word "also" after the said word "defendant."

Section 4 amended.

3. The fourth section of the said Act is amended by striking out the word "other" in the second line thereof and by substituting therefor the word "greater;" and by striking out the words "common assault" in the third line thereof, and inserting in their place the words "a misdemeanor."

No. 62.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend chapter eighteen of the Statutes of Canada, passed in the 41st year of the reign of Her Majesty, and intituled "An Act to provide that persons charged with common assault shall be competent as witnesses"

Received and read, first time, Monday, 8th March, 1880.

Second reading, Tuesday, 9th March, 1880.

Mr Ives.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

1880.

Reprinted

No. 63.] **BILL.** [1880.

An Act to extend the powers of the Manitoba South-Western Colonization Railway Company and to further amend the Act incorporating the said Company.

WHEREAS "The Manitoba South-Western Colonization Railway Company" have by their petition prayed that the powers of the Company may be extended, with a view among other things of extending the line of the railway and of constructing branches thereto, and that their Act of incorporation, forty-second Victoria, chapter sixty-six, may be amended, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 42 V., c. 66.

1. This Act may be cited for all purposes as "*The Manitoba South-Western Colonization Railway Company Amendment Act of* 1880." Short title.

2. In this Act the term "The Company" means "The Manitoba South Western Colonization Railway Company." Interpretation.

3. The Company shall have full power and authority to lay out, make, construct, work and maintain a double or single track railway as an extension of the line of railway the said Company are at present empowered to lay out, construct and complete, the said extension to commence at some point at or near Rock Lake in the North-West Territories, and to run thence in a westerly direction to the Souris coal fields, on a line parallel or nearly so to the boundary line of the Dominion of Canada, and also from a point at or near the City of Winnipeg and running thence to the point where the Canada Pacific Railway will cross the Red River. Extension authorised.

4. The Company are also empowered, whenever and as soon as additional facilities for transit and traffic are required, to lay out, construct and complete one or more branch lines of railway, at or from any point or points on the line of the Company, or on the said extension running westerly from or near Rock Lake to contiguous points on the main line of the Canada Pacific Railway. And branch lines.

5. The Company shall have the power under the provisions of "*The Consolidated Railway Act*, 1879," to acquire and hold lands for the purpose of the line of the Company, of the extension thereof and of the branches thereto authorized by this Act, and with the powers thereby conferred Further powers as to lands.

may also acquire and hold such breadth of land on the sides of the railway, the extension thereof and the said branches at any point of the line as may be needed for the purpose of establishing screens and dumps on each side thereof, and for the erection of snow drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow.

No. 63.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to extend the powers of the Manitoba South-Western Colonization Railway Company and to further amend the Act incorporating the said Company.

Received and read first time, Tuesday, 9th March, 1880.

Second reading, Wednesday, 10th March, 1880.

(PRIVATE BILL.)

Mr. SCHULTZ.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 63.] **BILL.** [1880.

An Act to extend the powers of the Manitoba South-Western Colonization Railway Company and to further amend the Act incorporating the said Company.

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

Preamble. WHEREAS "The Manitoba South-Western Colonization Railway Company" have by their petition prayed that the powers of the Company may be extended, with a view among other things of extending the line of the railway and of constructing branches thereto, and that their Act of incorporation, forty-second Victoria, chapter sixty-six, may be amended, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

42 V., c. 66.

Short title. 1. This Act may be cited for all purposes as "*The Manitoba South-Western Colonization Railway Company Amendment Act of* 1880."

Interpretation. 2. In this Act the term "The Company" means "The Manitoba South Western Colonization Railway Company."

Extension authorised. 3. The Company shall have full power and authority to lay out, make, construct, work and maintain a railway as an extension of the line of railway the said Company are at present empowered to lay out, construct and complete, the said extension to commence at some point at or near Rock Lake in the North-West Territories, and to run thence in a westerly direction to the Souris coal fields, on a line parallel or nearly so to the boundary line of the Dominion of Canada, and also from a point at or near the City of Winnipeg and running thence to the point where the Canadian Pacific Railway will cross the Red River, all such lines or extensions to be approved of by the Governor in Council.

And branch lines. 4. The Company are also empowered, whenever and as soon as additional facilities for transit and traffic are required, to lay out, construct and complete one or more branch lines of railway, at or from any point or points on the line of the Company, or on the said extension running westerly from or near Rock Lake to contiguous points on the main line of the Canadian Pacific Railway, all such branch lines to be approved of by the Governor in Council.

Further powers as to lands.

5. The Company shall have the power under the provisions of "*The Consolidated Railway Act*, 1879," to acquire and hold lands for the purpose of the line of the Company, of the extension thereof and of the branches thereto authorized by this Act, and with the powers thereby conferred may also acquire and hold such breadth of land on the sides of the railway, the extension thereof and the said branches at any point of the line as may be needed for the purpose of establishing screens and dumps on each side thereof, and for the erection of snow drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow.

Company may amalgamate with another company.

6. The Company, acting by its directors, authorized in that behalf by a resolution of the shareholders to be passed at a meeting thereof specially called for the purpose—which resolution must be concurred in by shareholders holding an actual majority of the stock of the Company—may amalgamate with the Souris and Rocky Mountain Railway Company, and for that purpose may execute with the said last-mentioned company a deed of amalgamation providing for the amalgamation of the Company with the said last-mentioned Company, and upon the execution of such deed of amalgamation and after the publication of a notice thereof in the *Canada Gazette*, the franchises and privileges, assets, rights and property of this Company shall vest in the amalgamated Company, and its obligations and liabilities shall become the obligations and liabilities of the amalgamated Company—the whole upon such terms and conditions as shall be contained in the said deed of amalgamation, not contrary to law or the provisions of this Act; and all the powers, franchises, rights and privileges possessed by both companies shall vest in the amalgamated Company, under the name of either of the said companies as shall be agreed upon in the deed of amalgamation.

No. 63.

2nd Session, 4th Parliament, 43

BILL.

An Act to extend the po
Manitoba South-Western
Railway Company and
amend the Act incorporat
Company.

(*Reprinted as amended by the*
ing Committee on Railways
Telegraph Lines.

(PRIVATE BILL

Mr.

OTTAWA:

PRINTED BY MACLEAN, ROG

1880

Reprinted

No. 64.] **BILL.** [1880.

An Act to authorize and provide for the winding up of the Consolidated Bank of Canada.

Preamble.

WHEREAS the Consolidated Bank of Canada by its petition has represented that, owing to having met with large and unexpected losses, it has been obliged to suspend payment, and it appears that the said Bank has made arrangements for the immediate payment of the amount due its general creditors, and of that required to redeem its circulation, and that its head office at Montreal is now open for that purpose only; and whereas it is for the best interest of the remaining creditors and shareholders of the said Bank, that it should be wound up, and it has prayed for authority so to do; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Appointment of liquidators and their powers.

1. Five persons shall be appointed as liquidators to realize and wind up the assets and affairs of the said Bank, one of whom shall be appointed by the Government of Canada, three by the shareholders of the said Consolidated Bank of Canada, at the next annual general meeting of the said shareholders, and one by the creditors unpaid at the time of such meeting; and upon the appointment of such liquidators, the duties of the present Board of Directors shall cease; and such liquidators shall have all the powers of directors, and shall have authority to make calls upon the shareholders, if such be found necessary. They shall appoint one of their number to be chairman, and a majority of them shall form a quorum; but no business shall be transacted by the said Bank other than such as shall be requisite for the winding up of its affairs in the manner herein provided.

Proceedings in liquidation.

2. The liquidators shall proceed according to their discretion with the realization of the assets of the Bank, as speedily as possible without undue sacrifice; and for that purpose may make such arrangements with any other bank for the collection of debts now due to the said Bank upon such terms and conditions as they may deem reasonable; and from and out of the proceeds of such assets, they shall pay all the liabilities of the Bank, and after so doing, and providing for the payment of any of such liabilities that shall not have been claimed, they shall proceed to divide the balance of the proceeds of the said assets among the shareholders of the said Bank.

As to claims unpaid at declaration of last dividend.

3. If any portion of the liabilities of the Bank shall remain unpaid when the last dividend payable to the shareholders of the Bank is declared, the amount which has been reserved as a provision for such liabilities, shall be retained on deposit at interest by the liquidators in their names as such, until more than five years shall have elapsed from the incurring of ordinary liabilities; or from the passage of this Act, in the case of outstanding bills; and thereupon after one month's notice in the *Canada Gazette*, and in one newspaper published in French and another in English in the City of Montreal, of the intention of the liquidators to distribute such provision among the shareholders, any balance then remaining unclaimed shall be distributed accordingly with all the interest accrued thereon.

Responsibility and remuneration of liquidators.

4. The liquidators shall be responsible each for his own acts and deeds only, and otherwise in like manner as the Directors of the said Bank would be. They shall be indemnified out of the assets of the Bank for all reasonable expenses incurred in the winding up thereof, and shall receive such remuneration as shall be voted by the shareholders at the meeting by which the said three liquidators shall be appointed by them as aforesaid. And they shall be subject to removal and replacement from time to time by the same authority by which they were respectively appointed; but if a vacancy occurs from any cause the remaining liquidators or liquidator shall continue the winding up of the Bank, with all the powers herein conferred upon all of them, until such vacancy is filled. And upon the final winding up of the Bank, the liquidators shall report to a final meeting of shareholders called for the purpose, which meeting shall have then the power to dissolve the said Bank and to abandon the charter thereof, which charter shall thereupon lapse and become and be extinguished; and at such final meeting the shareholders may make such order respecting the disposition or custody of the books, muniments and documents of the Bank as they may deem fit.

Removal and vacancies.

Final meeting of shareholders.

Offer for purchase *en bloc* may be entertained.

5. If, pending the realization of the assets of the Bank, an offer should be made for the purchase of the whole of the remaining assets *en bloc*, the liquidators may submit such offer to a special general meeting of the shareholders called for the purpose, and if authorized so to do by such meeting, may accept the same with or without modification as they may be instructed to do by such meeting; and thereupon may execute a valid conveyance thereof to the purchaser thereof.

Liability not impaired.

6. Nothing in this Act shall be held to affect, modify or impair the liability of any shareholder of the said Bank, under the provisions of the Act intituled "*An Act relating to Banks and Banking*," and such liabilities shall continue to subsist as if this Act had never been passed.

Term of office of the several liquidators.

7. As soon as the claims of the Governments of Canada and of Ontario shall have been paid in full, the liquidators appointed by the Government of Canada, as herein provided,

shall cease to act as such, and in like manner so soon as all claims made upon the said Bank have been paid, leaving only those debts unpaid which have not been demanded and for which provision has been made, the liquidator appointed by the creditors shall cease to act as such; and the remaining liquidators shall continue the liquidation of the affairs of the said Bank, and shall possess all the powers theretofore held by the five liquidators under this Act, and two of them shall form a quorum.

No. 64.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to authorize and provide for the winding up of "The Consolidated Bank of Canada."

Received and read, first time, Tuesday, 9th March, 1880.

Second reading, Wednesday, 10th March, 1880.

(PRIVATE BILL.)

MR. GAULT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 64.] **BILL.** [1880

An Act to authorize and provide for the winding up of the Consolidated Bank of Canada.

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

Preamble.

WHEREAS the Consolidated Bank of Canada by its petition has represented that, owing to having met with large and unexpected losses, it has been obliged to suspend payment, and it appears that the said Bank has made arrangements for the immediate payment of the amount due certain of its creditors, and of that required to redeem its circulation, and that its head office at Montreal is now open for that purpose only; and whereas it is for the best interest of the remaining creditors and shareholders of the said Bank, that it should be wound up, and it has prayed for authority so to do; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Appointment of liquidators and their powers.

1. Three persons shall be appointed as liquidators to realize and wind up the assets and affairs of the said Bank, one of whom shall be appointed by the Government of Canada, one by the shareholders of the said Bank at the next annual general meeting of the said shareholders, and one by the creditors unpaid at the time of such meeting; and upon the appointment of such liquidators, the duties of the present Board of Directors shall cease; and such liquidators shall have all the administrative powers of directors, and shall have authority and it shall be their duty to make calls upon the shareholders, in accordance with the fifty-sixth section of the Act thirty-fourth Victoria, chapter five. They shall appoint one of their number to be chairman, and a majority of them shall form a quorum; but no business shall be transacted by the said Bank other than such as shall be requisite for the winding up of its affairs in the manner herein provided.

Proceedings in liquidation.

2. The liquidators shall proceed according to their discretion with the realization of the assets of the Bank, as speedily as possible without undue sacrifice; and for that purpose may make arrangements with any other bank for the collection of debts now due to the said Bank upon such terms and conditions as they may deem reasonable; and from and out of the proceeds of such assets, they shall pay all the liabilities of the Bank, and after so doing, and providing for the payment of any of such liabilities that shall not have been claimed, they shall proceed to divide the

balance of the proceeds of the said assets among the shareholders of the said Bank.

Final distribution of assets.

3. If any portion of the liabilities of the Bank, consisting of either ordinary indebtedness, or of unredeemed circulation, shall remain unpaid when the last dividend payable to the shareholders of the Bank is declared, the amounts which have been reserved as provisions for such liabilities, shall be retained on deposit at interest in some chartered bank by the liquidators in their names as such, until five years shall have elapsed from the incurring of ordinary liabilities; and thereupon after one month's notice in the *Canada Gazette*, and in one newspaper published in French and another in English in the City of Montreal, of the intention of the liquidators to distribute the amount reserved as a provision for ordinary liabilities, among the shareholders, any balance remaining unclaimed in respect of such provision shall be distributed accordingly with all the interest accrued thereon; and the amount reserved as a provision for unredeemed circulation and for unpaid dividends shall be so retained on deposit for ten years after the passing of this Act, and thereupon, on such notice as aforesaid, shall be distributed as aforesaid.

Responsibility and remuneration of liquidators.

4. The liquidators shall be responsible each for his own acts and deeds only, and otherwise in like manner as the Directors of the said Bank would be. They shall be indemnified out of the assets of the Bank for all reasonable expenses incurred in the winding up thereof, and shall receive such remuneration as shall be voted by the shareholders at the meeting by which the said three liquidators shall be appointed by them as aforesaid. And they shall be subject to removal and replacement from time to time by the same authority by which they were respectively appointed; but if a vacancy occurs from any cause the remaining liquidators or liquidator shall continue the winding up of the Bank, with all the powers herein conferred upon all of them, until such vacancy is filled. And upon the final winding up of the Bank, the liquidators shall report to a final meeting of shareholders called for the purpose, which meeting shall have then the power to dissolve the said Bank and to abandon the charter thereof, which charter shall thereupon lapse and become and be extinguished; and at such final meeting the shareholders may make such order respecting the disposition or custody of the books, muniments and documents of the Bank as they may deem fit.

Removal and vacancies.

Final meeting of shareholders.

Offer for purchase *en bloc* may be entertained.

5. If, pending the realization of the assets of the Bank, an offer should be made for the purchase of the whole of the remaining assets *en bloc*, the liquidators may submit such offer to a special general meeting of the shareholders called for the purpose, and if authorized so to do by such meeting, may accept the same with or without modification as they may be instructed to do by such meeting; and thereupon may execute a valid conveyance thereof to the purchaser thereof.

6. Nothing in this Act shall be held to affect, modify or impair the liability of any shareholder of the said Bank, under the provisions of the Act intituled "*An Act relating to Banks and Banking*," and such liabilities shall continue to subsist as if this Act had never been passed. Liability not impaired.

7. As soon as the claims of the Governments of Canada and of Ontario shall have been paid in full, the liquidators appointed by the Government of Canada, as herein provided, shall cease to act as such, and in like manner so soon as all claims made upon the said Bank have been paid, leaving only those debts unpaid which have not been demanded and for which provision has been made, the liquidator appointed by the creditors shall cease to act as such; and on either of the liquidators appointed by the Government, or by the creditors, ceasing to act, the vacancy shall be filled by a liquidator appointed by the shareholders, as hereinafter provided. Term of office of the several liquidators.

8. The shareholders at their next annual meeting shall appoint two liquidators to take the place of the Government liquidator and creditors' liquidator when they shall cease to act, as hereinbefore provided, in addition to the liquidator to be appointed by them under the first section of this Act; and they shall declare by resolution at such meeting in what order the said two liquidators shall assume and hold office on the occurrence of any vacancy. Election of liquidators to fill certain vacancies.

9. The proper officer of the Bank, charged with the keeping of the books thereof, shall make a list of the creditors, other than the said Governments, remaining unpaid at the date of the next annual general meeting of shareholders, stating the amount of the claim of each creditor; and a meeting of such creditors shall be called in the same manner as such shareholders' meeting is called, to be held on the same day at the Bank in Montreal, or at such other place in Montreal as the board of directors shall appoint, and at such meeting the creditors present shall elect a chairman and secretary, and shall vote on the appointment of a liquidator according to their claims as stated in such list; and if there be a division among such creditors the majority in amount shall govern, and an instrument executed by the chairman and secretary of such meeting before a Public Notary, shall establish the appointment of a liquidator on behalf of such creditors. Election of liquidator by the creditors.

No. 64.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to authorize and provide for the winding up of "The Consolidated Bank of Canada."

Reprinted as amended by the Select Standing Committee on Banking and Commerce.

(PRIVATE BILL.)

Mr. GAULT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1880

Reprinted

No. 65. **BILL.** [1880

An Act to amend the Acts respecting the Montreal Telegraph Company.

Preamble.

WHEREAS the Montreal Telegraph Company have by their petition represented that it is important that they should have increased powers in respect of extending connections by leasing or acquiring other lines or connecting with other companies, and of extending their operations to telephonic communications; and that they should be authorized to amend by by-law certain details of their organization; and have prayed for the passing of an Act granting them such increased powers, and it is expedient that the prayer of their petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

By-laws may be made for certain purposes,

1. The said Company may, from time to time, make by-laws increasing the number of their Directors to seven, making such provision for the quorum thereof as they may deem expedient, and limiting the power of holding proxies at meetings of shareholders to shareholders only.

Powers as to leasing and amalgamating.

2. The said Company shall have power to establish, construct, purchase, lease and work any line or lines of telegraph from the Dominion of Canada to any place or places without the Dominion of Canada, and from and to any place or places without the Dominion of Canada; to make connections with the line or lines of any telegraph company in the Province of Newfoundland, in the United States of America, or elsewhere without the Dominion of Canada; to amalgamate with, or make funding or pooling arrangements with, or to lease their line or any portion or portions thereof from time to time, to any company, board or persons possessing, as proprietors, any line of telegraphic communication connecting, or to be connected, with the Company's line, either in Canada or any other British possession, or in the territory of any foreign state or power, whether on the continent of America or elsewhere, and to aid in building and working any such line, by the advance of money thereto or otherwise; and may also make connections with the District Telegraph Company of Montreal and with the lines thereof, or may acquire stock therein, with a view to such amalgamation, and amalgamate therewith in such manner as to merge the said last-mentioned company in the Montreal Telegraph Company.

Provisions to extend to telephone lines.

3. The powers held by or hereby conferred upon the Montreal Telegraph Company, with respect to telegraphic lines and telegraph companies, may be exercised by the said Company in respect of telephones and telephonic lines and telephone companies in the same manner and to the same extent as if such lines or companies were telegraphic lines or telegraph companies.

No. 65.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Acts respecting the Montreal Telegraph Company.

Received and read, first time, Tuesday, 9th March, 1880.

Second reading, Wednesday, 10th March 1880.

(PRIVATE BILL.)

Mr. GAULT.

OTTAWA.

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 65.] **BILL.** [1879.

An Act to amend the Acts respecting the Montreal Telegraph Company.

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

Preamble.

WHEREAS the Montreal Telegraph Company have by their petition represented that it is important that they should have increased powers in respect of extending connections by leasing or acquiring other lines or connecting with other companies, and of extending their operations to telephonic communications; and that they should be authorized to amend by by-law certain details of their organization; and have prayed for the passing of an Act granting them such increased powers, and it is expedient that the prayer of their petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

By-laws may be made for certain purposes.

1. The said Company may, from time to time, make by-laws increasing the number of their Directors to seven, making such provision for the quorum thereof as they may deem expedient, and limiting the power of holding proxies at meetings of shareholders to shareholders only.

Powers as to leasing and amalgamating.

2. The said Company shall have power to establish, construct, purchase, lease and work any line or lines of telegraph from the Dominion of Canada to any place or places without the Dominion of Canada, and from and to any place or places without the Dominion of Canada; to make connections with the line or lines of any telegraph company in the Province of Newfoundland, in the United States of America, or elsewhere without the Dominion of Canada; to amalgamate with, or to lease their line or any portion or portions thereof time from to time, to any company, board or persons possessing, as proprietors, any line of telegraphic communication connecting, or to be connected, with the Company's line, either in Canada or any other British possession, or in the territory of any foreign state or power, whether on the continent of America or elsewhere, and to aid in building and working any such line, by the advance of money thereto or otherwise; and may also make connections with the District Telegraph Company of Montreal and with the lines thereof, or may acquire stock therein, with a view to such amalgamation, and amalgamate therewith in such manner as to merge the said last-mentioned company in the Montreal Telegraph Company; but after such amalgamation, the Montreal Telegraph Company shall only exercise and possess

Arrangements as to Telephonic communication.

the franchises and powers to which it is entitled under the provisions of its Act of Incorporation and of the Acts amending the same.

3. The Montreal Telegraph Company may enter into any arrangements with any person, board or company possessing as proprietors any line of telephonic communication, or any power or right to use communication by means of the telephone or other similar apparatus, upon such terms and in such manner as the Board of Directors may from time to time deem expedient or advisable; and may also use their telegraphic lines for telephonic purposes.

No. 65.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Acts respecting the Montreal Telegraph Company.

Reprinted as amended by Sub-Committee of the Select Standing Committee on Railways, Canals and Telegraph Lines.

(PRIVATE BILL.)

Mr. Gault.

Printed by Roger & Co.

No. 66.] **BILL.** [1880

An Act to incorporate the Quebec and Ontario Railway Company.

Preamble.

WHEREAS the persons hereinafter named and others have, by their petition, represented that they are desirous of obtaining a charter incorporating them as a company for the construction, maintenance and operation of a line of railway from, at or near the City of Toronto, in the Province of Ontario, passing through or near the City of Ottawa to the City of Quebec, in the Province of Quebec, with full power to purchase, lease or amalgamate with any railways or portions of railways, projected or constructed, that may be useful as parts or branches of the line of railway hereinafter authorized, and to construct all necessary bridges across intervening rivers; and also with power to connect or make running arrangements with one or more lines of railway running westward of the said Cities of Ottawa and Toronto, and have prayed for the passing of an Act to that end, and it is expedient to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. William Wallace, Charles J. Coursol, the Honorable Rosaire Thibeaudeau, E O. Bickford, Edward Alexander Prentice, Edward Elliott, George Hilliard, John Graham Haggart and Burnham, with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and they are hereby constituted a body corporate and politic, by the name of "The Quebec and Ontario Railway Company," and the words "the Company" when used in this Act shall mean the Quebec and Ontario Railway Company hereby incorporated.

Declaratory.

2. The Quebec and Ontario Railway Company is hereby declared to be a work for the general advantage of Canada.

Objects and powers of the company.

3. The Company and their agents and servants may lay out, construct, maintain and work a continuous double or single track iron or steel railway, and also a telegraph line, throughout the entire length of such railway and any of its branches from the City of Toronto, in the Province of Ontario, passing through or near the City of Ottawa, to the City of Quebec, in the Province of Quebec; and the said Company shall also have power to build, own and operate steam and other vessels in connection with the said railway.

Company may receive aid.

4. The Company may receive bonuses or gifts of money or securities for money from any Government or from any persons or bodies corporate, municipal or politic, who may have power to grant the same in aid of the construction, equipment and maintenance of the said railway, and its branches which shall be applied accordingly.

And acquire other railways.

5. The Company may acquire by lease or purchase or by amalgamation with any other incorporated railway company or companies, any railway projected, in course of construction or constructed in Canada, between the points or termini specified herein, and in case of such amalgamation, shall afterwards continue to be known by the said name hereinbefore conferred on the Company, and shall be liable for all the debts, and shall do and perform all the contracts, stipulations and agreements which either of the amalgamated companies would have been liable to pay or compellable to perform if no such amalgamation had taken place, and the Company, after amalgamation, may have and exercise all the rights, privileges, powers and franchises which any or either of the amalgamated companies could or might have and exercise under their respective Acts of incorporation; and such amalgamation may be effected in each case by a deed of agreement made with the sanction and approval of the shareholders of both companies, by resolutions passed at special meetings thereof, respectively, called for that purpose, according to their respective Acts of incorporation; and such deed of agreement shall only have full force and effect after a duplicate thereof shall have been deposited in the office of the Secretary of State of Canada, and from and after the date at which a notice of such deposit shall be published by the Secretary of State in the *Canada Gazette*; and the Company may make any contract by way of purchase or otherwise in respect of the stock, bonds or property of any such railway in connection with such purchase or amalgamation, or for the purpose of facilitating the same.

Amalgamation with other companies.

Capital stock and shares.

6. The capital stock of the Company shall be five million dollars, and shall be divided into shares of one hundred dollars each, but may be increased from time to time, by vote of the majority in value of the shareholders present in person or represented by proxy, at any meeting specially called for the purpose, to an amount not exceeding ten million dollars.

Provisional directors and their powers.

7. The said William Wallace, Charles J. Coursol, Rosaire Thibeaudeau, E. O. Bickford, Edward Alexander Prentice, Edward Elliott, George Hilliard, John Graham Haggart, and Burnham, shall be and are hereby constituted a board of provisional directors of the Company (five of whom shall form a quorum), and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to open stock books and procure subscriptions for the undertaking, and to receive payment on account of stock subscribed; the said provisional directors are hereby empowered to take all

necessary steps for opening stock books for the subscription of parties desirous of becoming shareholders in the Company, and all parties subscribing to the capital stock of the Company shall be considered proprietors and partners in the same.

First meeting of shareholders.

8. As soon as five hundred thousand dollars of the capital stock of the Company shall have been subscribed and five per centum thereof paid in, the said provisional directors shall call a general meeting of the shareholders to be held at such time and place as they think proper, giving at least two weeks' notice thereof in one or more newspapers published in the City of Montreal, and by a circular letter mailed to each shareholder; at which meeting the shareholders present in person or represented by proxy shall elect seven directors in the manner and qualified as hereinafter provided, which directors shall hold office until the first Wednesday in March in the year following their election.

Annual general meeting and proceedings thereat.

9. On the said first Wednesday in March, and on the first Wednesday in March in each year thereafter, at the principal office of the said Company, in the City of Montreal, or at such other place in the Dominion of Canada as the by-laws of the Company may indicate, a general meeting of the shareholders of the Company shall be held for receiving the report of the directors, transacting the general and special business of the Company, and electing the directors thereof; and at such meeting the shareholders shall elect a like number of seven directors for the then ensuing year, in the manner and qualified as hereinafter prescribed, which number may be increased or diminished from time to time by special by-law to that effect; and public notice of such annual meeting and election shall be published for one month before the day of election in one or more newspapers in the City of Montreal, and by circular letter mailed to each shareholder; and the election of directors shall be by ballot, and the persons so elected shall form the board of directors; and at all meetings of shareholders the latter may vote by proxy, provided such proxy be held by a shareholder.

Notice.

Quorum and qualification of directors.

10. A majority of the directors shall form a quorum for the transaction of business, and the board of directors may employ one or more of their number as a paid director or paid directors; each director shall be the holder and owner of at least forty shares of the stock of the Company, and shall not be in arrear in respect of the calls thereon.

By-laws may be made.

11. The directors elected by the shareholders under this Act shall have power to make such by-laws and rules for the government of the Company, not inconsistent with law or with the provisions of this Act, as they may think most expedient, and to alter the same at their pleasure, but such by-laws shall only have force and effect until the next following annual meeting of shareholders, unless they are confirmed at such meeting.

Calls on stock

12. The directors may, from time to time, make calls upon the shares of the capital stock of the Company in such proportion as they may see fit, not exceeding ten per cent. in any one call, nor at shorter intervals than thirty days; and thirty days' notice of each call shall be given to the shareholders in such manner as the directors may appoint.

Chief office.

13. The chief place of business of the Company shall be at the City of Montreal, but other places at which the directors may meet and transact business may be fixed by the by-laws of the Company.

Special general meetings.

14. Whenever it shall be deemed expedient by the board of directors that a special general meeting of the shareholders shall be convened for any purpose, the directors may convene such meeting by advertisement in manner hereinbefore mentioned, in which advertisement the business to be transacted at such meeting shall be expressly stated, and such meeting shall be held at the Company's chief place of business, or at such other place in Canada as the directors may appoint.

Company may sell lands.

15. The Company shall have power to sell, mortgage or lease any lands belonging to it which are not necessary for the purposes of the said railway or which have been received by it as a gift in aid.

May become parties to promissory notes, &c.

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

Proviso: as to bank notes.

Bonds may be issued.

17. The directors of the Company shall have power from time to time, after the sanction of the shareholders shall have been first obtained at any general meeting or special meeting of the Company called for that purpose, to issue bonds to any amount not exceeding seventeen thousand five hundred dollars per mile of railway, at such time complete or under construction, to be signed by the president or vice-president of the Company, and countersigned by the secretary and

treasurer, and under the seal of the Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registrati n or formal conveyance, be taken and considered as first and preferential claims and charges upon the said undertaking and the real property of the Company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the Company as aforesaid: Provided always, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, at the next ensuing annual general meeting of the Company, all holders of bonds shall possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the Company to register the same on being required so to do by any holder thereof; all such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery.

To be a first charge on the undertaking.

Proviso: in case interest is not paid.

Transfer.

18. The Company shall have power to construct, purchase, charter and navigate steam vessels and other water craft on any lake, river, or stream near to or touched by the railway or any of its branches, for the purpose of traffic in connection with the railway or any of its branches.

Water craft may be held and used.

19. The phrase "working expenses" shall mean and include all expenses of maintenance of the railway, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and also all such tolls, rents or annual sums as may be paid in respect of property leased to or held by the Company, or in respect of the hire of engines, carriages or waggons let to the Company, also all rent charges or interest on lands belonging to the Company, purchased but not paid for, or not fully paid for, and also all expenses of and incidental to working the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accidents or losses; also all salaries and wages of persons employed in and about the working of the railway and traffic, and all office and management expenses, including directors' fees, agency, legal and other like expenses, and generally all such charges, if any, not above otherwise specified, as in the case of English railway companies are usually carried to the debit of revenue, as distinguished from capital account.

"Working expenses" defined.

20. The Company shall have power and authority to erect and maintain all necessary and convenient buildings, stations, depots, warehouses, elevators, wharves and fixtures, and from time to time to alter, repair or enlarge the same as the increasing traffic may require; and to erect docks, slips,

Powers as to buildings, &c.

and piers at any point on or in connection with the said line of railway, and at both termini thereof, for the convenience and accommodation of vessels and elevators ; and shall also have full power and authority to connect any of the works herein mentioned with any point on the railway by means of any line or lines of railway for such purposes.

Arrangements may be made as to branches.

21. The directors of the Company may enter into and conclude any arrangements with any other railway company of Canada or the United States, for the purpose of making or acquiring any branch or branches to facilitate a connection between the Company hereby incorporated and such other railway company, or to acquire the corporate property and franchises of such other company.

Extra land for snow drift fences.

22. Notwithstanding anything contained in section nine of "*The Consolidated Railway Act*, 1879," the Company may, under the provisions of the said Act, and with the powers thereby conferred, acquire and hold such width of land on the sides of the railway and its branches, at any point of the line, as may be needed for the erection of snow-drift fences or barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow.

As to railways acquired

23. Except as otherwise provided by this Act, every railway in Canada acquired by the Company, either by purchase or by amalgamation, and every branch in Canada made or acquired by the Company in pursuance of any arrangement, under the provisions of this Act, shall be held and deemed to be, according to the true intent and meaning of "*The Consolidated Railway Act*, 1879," a railway constructed under the authority of an Act passed by the Parliament of Canada.

Limitation of time.

24. The powers given by this Act shall be exercised by the commencement of the said railway within three years after the passing of this Act, and its completion within seven years thereafter.

No. 66.

2nd Session, 4th Parliament, 43 Vict

BILL.

An Act to incorporate the Qu
Ontario Railway Compa

(PRIVATE BILL.)

Mr. CAMER
(Vi

Received and read, first time, Tue
March, 1880.

Second reading, Wednesday, 10t
1880.

OTTAWA:

PRINTED BY MACLEAN, ROGER

1880.

No. 67.] **BILL.** [1880.

An Act to amend the Acts respecting the Canada Central Railway Company.

Preamble.

WHEREAS the Canada Central Railway Company has by its petition prayed for an extension of the time fixed for the completion of its railway; for power to construct a bridge over the St. Mary's River at or near the Sault Ste. Marie, and a branch from its main line to a point in the County of Hastings; and for other privileges; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time.

1. The time limited for the deposit of maps, plans and books of reference of the Canada Central Railway, in so far as the line thereof has not been heretofore located and established, is hereby extended for two years, and the time limited for the completion thereof for five years, from the first day of September next, and from thence until the end of the Session of Parliament next thereafter.

Branch line may be constructed.

2. The said Company may lay out, construct, equip, maintain and work, a branch line of railway, from any point of its main line to the Village of Madoc, or to the Village of Tweed, in the County of Hastings; and the said Company shall hold and may exercise in respect of such branch all the powers and privileges which it now possesses in respect of its main line of railway; but such branch shall not be affected or charged with any mortgage or lien in favor of the present or future holders of any of the mortgage bonds of the Company which have been heretofore issued; nor shall such branch be affected by or charged with any mortgage or lien under any issue of mortgage bonds to be hereafter made; unless described in such bonds, or in the mortgage deed securing the same, as being mortgaged thereby.

As to liens.

Main line may be extended and railway bridge built.

3. The said Company may extend its main line to Goulais Bay or to any other convenient point on the navigable water at the easterly end of Lake Superior; and may also lay out, construct, maintain and work a railway bridge over the River St. Mary, at or near the Sault Ste. Marie, to connect with railways in the State of Michigan, one of the United States of America; and for that purpose shall have power to unite with any other Company incorporated or which may be incorporated under the laws of the said State of Michigan; and to enter into any contract or agreement with such Company respecting the construction and maintenance

thereof. And it may be made a condition of such contract or agreement that the net revenue derivable from such bridge shall be used exclusively in the payment of the principal and interest of any bond, security, or debt contracted for the construction thereof, or that the interest on such bond, security or debt, shall form a part of the running expenses of the railway.

Vessels and water craft may be held and used.

4. Until such bridge has been constructed, the said Company shall have power to construct, charter and navigate scows, boats, and steam and other vessels for the purpose of crossing the said St. Mary River, and of carrying passengers and goods over the said river. And the Company shall also have power to construct, purchase, charter and navigate steam vessels and other water craft on any lake, river or stream near to or touched by the said railway, or any of its branches, for the purposes of traffic in connection with the railway or any of its branches.

Railway divided into sections.

5. The said railway shall henceforth be divided into two sections, which shall be known as the Ottawa section and Lake Superior section respectively. The Ottawa section shall consist of the portion of the said railway lying between the Town of Brockville and the Village of Carleton Place, including the Perth Branch, and between the City of Ottawa and the point on the said railway fixed by the Government of Canada, as the point to which the portion of the said railway now subsidized shall be constructed, to wit a point about one hundred and thirty miles from the Town of Pembroke known as Callander Station. And the Lake Superior section shall consist of that portion of the said railway lying between Callander Station to the eastward; and the termini thereof at the Sault Ste. Marie, and on Lake Superior, respectively, to the westward, including the bridge over the St. Mary's River, or such portion thereof as shall be the property of the said Company.

Separate rolling stock and plant for each section.

6. The rolling stock and plant of each section shall be distinctly marked and identified by painting and maintaining in a conspicuous place on every car, waggon, truck, locomotive and tender, forming part of such rolling stock and plant the name of such section. All of the rolling stock and plant belonging to the said Company at the time of the passing of this Act, shall be held to appertain to the Ottawa section, and shall be marked and identified accordingly. And all rolling stock and plant subsequently acquired by the Company, shall be so divided between the two sections, that one-half as nearly as may be of the entire rolling stock and plant of the Company shall always appertain to each of the said sections.

Tolls, &c., to be kept separate.

7. The tolls and revenues of each section of the said railway shall be kept separate from each other; and as respects all traffic passing over both sections or parts of both sections, or over one section and part of the other, the gross receipts from such traffic shall be divided between the sec-

tions, according to the proportion of the distance on each section traversed by such traffic.

Mortgage bonds on Lake Superior section may be issued.

8. The said Company may issue first mortgage bonds to the extent of twenty thousand dollars per mile upon the said Lake Superior section, and such bonds shall constitute a first mortgage and privilege upon the said Lake Superior section, and upon the appurtenances thereof and upon the rolling stock, plant, tolls and revenues thereof, after deduction from such tolls and revenues, of the working expenses thereof, as defined by the Acts relating to the said Company; such rolling stock, plant, tolls and revenues being such as shall be indicated and set apart as appertaining to or earned by the said Lake Superior section in the manner herein provided. But such issue shall not be made except under the authority of a special general meeting of the shareholders called for the purpose of considering it. And such bonds shall not attach upon or affect the Ottawa section of the said railway, nor shall any of the bonds issued or to be issued under the provisions of the said Acts attach upon or affect the Lake Superior section of the said railway.

Also second mortgage bonds.

9. The said Company, with the authority of the shareholders of the Company granted at a special general meeting thereof called for the purpose, may issue second mortgage bonds upon the Lake Superior section in aid of the construction and equipment thereof: which second mortgage bonds shall attach exclusively upon the Lake Superior section, and shall not attach upon or affect the Ottawa section.

Sections 9 and 14 of 41 V., c. 36 to apply to such bonds.

10. The provisions of the ninth and fourteenth sections of the Act forty-first Victoria, chapter thirty-six, which confer upon the Company power to secure the bonds thereby authorized to be issued by a deed or deeds of mortgage, and to insert in such deed or deeds the conditions, matters and things in the said sections described respectively, shall apply to the issue of first mortgage bonds made under the authority of this Act; and the same may be secured in like manner to the first mortgage bonds issued under the Act in this section firstly mentioned. And the second mortgage bonds to be issued hereunder may also be secured by a mortgage deed or deeds, in respect of which the Company shall have similar powers to those which are conferred upon it in respect of the deed or deeds securing the first mortgage bonds thereof.

Issue of preference stock in lieu of second mortgage bonds authorised.

11. If the Company makes arrangements with the persons entitled to the second mortgage bonds, which may be issued under the said Acts or under this Act upon the said sections of the said railway respectively, or upon either of them, for the exchange of such second mortgage bonds for paid-up preference stock of like amount, the Company is hereby authorized to issue such preference stock with the same voting power as ordinary stock, but with the dividend thereon limited to six per cent. per annum; and such preference stock shall thereafter rank for dividend upon the net revenues of the said railway next after all mortgages thereon, and before the ordinary stock thereof. But no dividend

shall be declared or paid thereon exceeding three per centum for any half year, or six per centum for any year, any sum available for dividend above or beyond such semi-annual or annual percentage to be distributed as dividend upon the ordinary stock of the Company.

Increase of ordinary stock.

12. The ordinary stock of the Company may be increased, as provided by the sixth section of the Act forty-first Victoria, chapter thirty-six, to such amount as will allow of the issue of six thousand five hundred dollars per mile of the Lake Superior section.

No. 67.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Acts respecting the Canada Central Railway Company.

Received and read, first time, Wednesday, 10th March, 1880.

Second reading, Thursday, 11th March, 1880.

PRIVATE BILL.

Mr. FITZSIMMONS.

OTTAWA:
Printed by MACLEAN, ROGER & Co., Wellington Street
1880

No. 63.] **BILL.** [1880.

An Act to incorporate the Nelson Valley Railway and Transportation Company.

WHEREAS the opening of a route for the transportation by railway and other means of freight, passengers and mails between Manitoba and the North-West Territory and Europe, and other parts of the world, by way of the Nelson River, affording an independent route for immigrants from Europe, and further facilities for the colonization of Manitoba and of the North-West Territory, would be of general advantage to the Dominion; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The Honorable Thomas Ryan, the Honorable John Hamilton, Peter Redpath, George A. Drummond, Alexander Murray, Duncan Macarthur, and Alexander Smith, together with such persons and corporations as shall become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of the "Nelson Valley Railway and Transportation Company." Certain persons incorporated.

2. The said Company shall have full power and authority to lay out, construct and complete a double or single track railway of four feet eight and one-half inches in width of gauge between a point on the Hayes, Nelson or Churchill River, and a point on the Canada Pacific Railway, east of Red River by way of the valley of the Nelson River, with power to own or charter and sail steam vessels in connection therewith, and to construct, own and operate lines of telegraph along the line of such railway, and to make a public road as a preliminary thereto, or accompanying such railway; but the said Company shall not commence the construction of the said railway or any work thereunto appertaining until the location of the said railway shall have been approved of by the Governor in Council; and the said Company shall also have power to lay out, construct and complete a branch railway from any point on its main line to a point on the Pacific Railway west of Lake Winnipegosis. Object and powers of the company.

3. The persons named in the first section of this Act shall be and are hereby constituted Provisional Directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of Directors Provisional directors and their powers.

under this Act, and shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice by advertisement in the *Canada Gazette* of the time and place of their meeting to receive such subscriptions of stock; and they shall have power to receive payments on account of stock so subscribed, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and to withdraw the same solely for the purposes of the undertaking, and to receive on behalf of the Company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway.

Capital stock and shares.

4. The capital stock of the Company shall be one million dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879"), to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other purposes of this Act.

Ten per cent. payable on subscription.

5. No subscription of stock in the capital of the Company shall be legal or valid unless ten per centum shall have been actually and *bonâ fide* paid thereon, within thirty days after subscription, into one or more of the chartered banks of Canada, to be designated by the Directors; and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of such railway, or upon the dissolution of the Company from any cause whatsoever.

Company may receive aid.

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

First meeting of shareholders.

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

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

9. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company (of whom five shall be a quorum), and may also pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act or "*The Consolidated Railway Act*, 1879." Election of directors.

10. Thereafter the general annual meeting of the shareholders of the said Company, for the election of Directors and other general purposes, shall be held at such place as may be appointed by by-law of the Company, on the first Wednesday of the month of February in each year, and four weeks' previous notice thereof shall be given by publication in the *Canada Gazette* and by circular sent to each subscriber to such stock. Annual general meeting.

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

12. The Company may take from the wild lands of the Dominion, adjacent to or near the line of the said railway, all stone, timber, gravel, and other materials necessary or useful for the construction of their railway, and may lay out and appropriate to their use a greater extent of land, whether public or private, for stations, depôts, workshops, buildings, side tracks, wharves, harbours and roadway than that mentioned in "*The Consolidated Railway Act*, 1879"—such greater extent taken in any case being allowed by the Governor in Council, and shown on the maps or plans deposited with the Minister of Public Works. Materials may be taken from Government lands.

13. The Directors of the said Company, under the authority of the shareholders to them given, are hereby authorized to issue bonds under the seal of the said Company, signed by its president or other presiding officer, and countersigned by its secretary; and such bonds shall be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and bearing such rate of interest as the Directors shall think proper, and the Directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of such bonds so issued, sold or pledged, shall not exceed twenty-five thousand dollars per mile of the said railway and branch to be issued in proportion to the length of railway constructed, or under Bonds may be issued. Proviso: amount limited.

Proviso: as to time of issue.

contract to be constructed; Provided also, that no such bonds shall be issued until at least two hundred and fifty thousand dollars shall have been subscribed to the capital stock, and ten per centum of the same *bonâ fide* paid thereon;

May be secured and how.

but notwithstanding anything in this Act contained, the Company may secure the bonds to be issued by them, by a mortgage deed creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future, or both, as shall be described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway; and by the said deed, the said Company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act, in respect of the said bonds, and all other powers and remedies not inconsistent with this Act; or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed, shall be valid and binding and available to the bondholders in manner and form as therein provided.

To be a first charge on the undertaking.

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

Rights of bondholders if interest is not paid.

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

Proviso: bonds to be registered.

that the right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said Company; and for that purpose the Company shall be bound, on demand, to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof in the samemanner as a transfer of shares: Provided also, that the exercise

Proviso: rights saved.

of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Transfer of bonds.

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

Company may become party to promissory notes.

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

Proviso: as to Bank notes.

Running arrangements with other companies.

18. It shall be lawful for the Company to enter into any agreement with any other Company for the use or partial use of the railway of the Company, or for leasing or for hiring from such other Company any other railway or part thereof, or the use thereof, and for any period or term, or for the leasing or hiring any locomotives, cars or moveable property, and generally to make any agreement with any other Company touching the use of the railway, or of the railway of the other Company, or of the moveable property of the other Company, or touching any service to be rendered by the one Company to the other, and the compensation therefor: Provided that any such agreement, lease or contract in this section mentioned or referred to, shall be first approved of and authorized by the shareholders of the said Company at an annual general meeting of the same.

Power to hold and use vessels and elevators.

19. The Company may also build, purchase, acquire, lease, charter or possess, work and operate sea-going vessels and elevators, and if necessary may purchase grain and other freight to complete or make up the cargoes of such vessels, and the same may sell and dispose of. And it may also acquire, lease, charter or operate steam and other vessels on the Nelson River and Lake Winnipeg, and may also make any improvement or erect any work required to

facilitate the navigation of any river with which the said railway shall connect.

Limitation of time.

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

No. 63.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate the Nelson Valley Railway and Transportation Company.

Received and read, first time, Wednesday, 10th March, 1880.

Second reading, Monday, 15th March, 1880.

(PRIVATE BILL.)

Mr. McDOUGALL.

OTTAWA.

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 69.] BILL. [1889.

An Act to incorporate the Rapid City and Souris River Colonisation Railway Company.

WHEREAS the construction of a railway as hereinafter set forth would be for the general advantage of Canada, and whereas a petition has been presented, praying for the passing of an Act to incorporate a Company for constructing the same, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Rapid City and Souris River Colonisation Railway is hereby declared to be a work for the general advantage of Canada. Declaratory.

2. G. M. Butchart, W. Garrett, D. L. McLaren, C. J. Whellams, James Carruthers, F. L. Logan, C. J. Wyatt, S. S. Sudlow, — Martin, George Balkwill, J. Sibbald, Joseph Riopelle, W. Bannerman, Thomas Cramp and George Osborne, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of the "Rapid City and Souris River Colonisation Railway Company." Certain persons incorporated. Corporate name.

3. The said Company shall have full power and authority to lay out, construct and complete a double or single track railway of four feet eight and one-half inches in width of gauge from a point on the line of the Canadian Pacific Railway, at or near the intersection of the said line by the parallel of ninety-nine degrees, thirty minutes, west longitude, thence westerly to Rapid City in the North-West Territory, thence south-westerly to a point on the Souris River, at or near Roche Percée, and to construct, own and operate telegraph lines along the line of such railway, and to construct bridges across the Little Saskatchewan and Assiniboine Rivers, and such other bridges as may be necessary for the purposes of their undertaking; but no bridge across any navigable waters shall be constructed by the Company until the plan and site of such bridge shall have been approved of by the Governor in Council. Company may build railway and telegraph line. Location of bridge to be approved.

4. Notwithstanding anything contained in section nine of "*The Consolidated Railway Act*, 1879," the Company may acquire for the purposes of their undertaking an extent of land and water lot property at the south-western terminus of their railway, not exceeding in the whole five hundred Powers as to real estate.

acres, and may acquire and hold such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snow drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners of such lands, and the power of the Company to take possession of the same shall, in case of difference, be ascertained and exercised in the manner provided by the section of the said Railway Act respecting lands and their valuation.

Company may own and use steam vessels, &c.

5. The Company shall have power to construct, purchase, charter and navigate steam vessels and other water craft, and to construct, hold, and use all necessary wharves and docks, for the purpose of traffic in connection with their undertaking.

Provisional directors and their powers.

6 The persons named in the first section of this Act, with power to add to their numbers, shall be and are hereby constituted Provisional Directors of the Company, of whom five shall be a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice by advertisement in the *Canada Gazette* of the time and place of their meeting to receive such subscriptions of stock; and they shall have power to receive payments on account of stock so subscribed, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Her Majesty's dominions all moneys received by them on account of stock subscribed, and to withdraw the same solely for the purposes of the undertaking, and to receive on behalf of the Company any grant, loan, bonus or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway.

Capital stock and shares.

7. The capital stock of the Company shall be two million five hundred thousand dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879") to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other purposes of this Act.

Ten per cent. to be paid on subscription.

8. No subscription of stock in the capital of the Company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon within thirty days after subscription into one or more of the chartered banks of Her Majesty's dominions, to be designated by the Directors; and such ten per centum shall not be withdrawn from

such bank or otherwise applied except for the purposes of such railway, or upon the dissolution of the Company from any cause whatever.

ompany may receive grants in aid.

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

First meeting of shareholders.

10 When and so soon as shares to the amount of two hundred and fifty thousand dollars in the capital stock of the Company have been subscribed, and ten per cent. paid thereon *bona fide*, the Provisional Directors shall call a meeting of the subscribers to the said capital stock at the City of Winnipeg, for the purpose of electing Directors of the Company, giving at least two months previous notice by public advertisement in some newspaper published in Winnipeg and Rapid City, and also by circular addressed by mail to each subscriber, of the time, place and purpose of the said meeting.

Qualification of directors.

11. No person shall be elected a Director of the Company unless he shall be the holder and owner in his own right, of at least twenty shares in the stock of the Company and shall have paid up all calls thereon.

Election of directors.

12. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the Company (of whom five shall be a quorum), and may also pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, or with "*The Consolidated Railway Act*, 1879."

By-laws.

Annual general meeting.

13. Thereafter the annual general meeting of the shareholders of the Company for the election of Directors and other general purposes shall be held at such places as may be appointed by by-law of the Company, on the first Monday of the month of July in each year; and two months' notice thereof shall be given by publication in the *Canada Gazette*.

Calls on stock.

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

Directors may issue bonds.

15. The Directors of the Company under the authority of the shareholders to them given, are hereby authorized to issue bonds under the seal of the Company, signed by its President or other presiding officer, and by another Director, and countersigned by its Secretary, and such bonds shall be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and bearing such

rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions that at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of such bonds so issued, sold or pledged shall not exceed twenty thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed: Provided also, that no such bonds shall be issued until at least two hundred and fifty thousand dollars shall have been subscribed to the capital stock, and ten per centum of the same *bonâ fide* paid thereon; but, notwithstanding any thing in this Act contained, the Company may secure the bonds to be issued by them, by a mortgage deed creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future, or both, as shall be described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway; and by the said deed the Company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act; or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed, shall be valid and binding and available to the bondholders in manner and form as therein provided.

Proviso: Amount limited.

Proviso: Condition preliminary to issue of bonds.

Further provisions as to bonds.

Bonds to be a preferential charge.

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

Provision if principal or interest of bonds is not paid.

17. If the Company shall make default in paying the principal or interest of any of the bonds hereby authorized at the time when the same shall by the terms of the bond become due and payable, then at the next ensuing general annual meeting of the Company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall in respect thereof, have and possess the same rights and privileges and qualifications for Directors and for voting at general meetings as would be attached to them as shareholders, if they had held fully paid up shares of the Company to a corresponding amount: Provided, nevertheless, that the right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first

Proviso: Bonds to be registered.

registered in his name in the same manner as is provided by law for the registration of the shares of the Company, and for that purpose the Company shall be bound on demand to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Provise: Certain rights saved.

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

Transfer of bonds and other securities.

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

Company may become parties to promissory notes.

Proviso: As to bank notes.

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

Equal rights of shareholders.

21. It shall be lawful for the Company to enter into any agreement with any other Company for the use or partial use of the railway of the Company, or for leasing or for hiring from such other Company any other railway, or part thereof, or the use thereof, and for any period or term, or for leasing or hiring any locomotives, cars or movable property, and generally to make any agreement with any other Company touching the use of the railway, or of the railway

Running arrangements with other companies.

of the other Company or the movable property of the other Company, or touching any service to be rendered by the one Company to the other, and the compensation therefor: Provided, that any such agreement, lease or contract in this section mentioned or referred to shall be first approved of and authorized by the shareholders of the Company at a general annual or special meeting of the same.

Proviso: for approval by shareholders.

No discriminating rates for use of railway.

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

Arbitration in case of disagreement.

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

Proviso.

Rates may be charged for forwarding traffic of other companies.

24. The Company shall have the right to charge the other companies whose traffic shall pass or be forwarded over the railway, such compensation by way of toll or rental as shall be found by experience requisite to yield an amount which shall be sufficient to pay the expense of keeping in repair, maintaining and managing the railway, the interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per centum per annum upon the capital stock, and an additional sum which would be sufficient to furnish a sinking fund each year not to exceed five per centum of the amount of the bonded debt; and deficiencies in the amount of tolls in any one year may be charged for, and collected in any subsequent year.

No. 69.

2nd Session, 4th Parliament, 43 V

BILL.

An Act to incorporate the and Souris River Coloniz way Company.

Received and read, first time, 10th March, 1880.
Second reading, Thursday, 11th

(PRIVATE BILL

Mr. BANN

OTTAWA:

PRINTED BY MACLEAN, ROG

1880.

No. 71.] **BILL** [1880.

An Act to incorporate the "Pontiac Pacific Junction Railway Company."

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed to be incorporated as a Company for constructing, equipping and managing a railway, from a point on the line of the Quebec, Montreal, Ottawa and Occidental Railway, at or near the City of Hull or the Village of Aylmer, to such point in the County of Pontiac as may be found most suitable for crossing the Ottawa River, and thence through the Province of Ontario to some point at or near the Town of Pembroke, which may be selected to connect the railway with the Canada Central Railway, either to the east or west of the said Town of Pembroke, with power to construct a bridge over the Ottawa River at the point where such line would cross the said Ottawa River, and to make such bridge suitable for railway traffic and for the use of ordinary vehicles; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Alexander Walker Ogilvie, Honorable L. Ruggles Church, John Poupore, Peter White, William J. Conroy, Hector Mayne McLean, and J. T. Pattison, Esquires, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of "The Pontiac Pacific Junction Railway Company," and shall have all the powers appertaining to railway corporations in general, and the powers and privileges conferred on such corporations, by "*The Consolidated Railway Act*, 1879," subject to the provisions hereinafter mentioned.

Corporate name.

Object and powers of the company.

2. The said Company, and their agents and servants, may lay out, construct and finish a single or double line of railway, of such width or gauge as the Company may see fit, from a point on the line of the Quebec, Montreal, Ottawa and Occidental Railway, at or near the City of Hull or the Village of Aylmer, to such point in the County of Pontiac as may be found most suitable for crossing the Ottawa River, and thence through the Province of Ontario to some point at or near the Town of Pembroke, which may be selected to connect the railway with the Canada Central Railway either to the east or west of the said Town of Pembroke, with power to construct a bridge over the Ottawa River, and to

make such bridge suitable for railway traffic and for the use of ordinary vehicles, the whole as hereinafter set forth.

Capital stock and shares.

3. The capital stock of the said Company shall be three millions of dollars, with power to increase the same, as provided by "*The Consolidated Railway Act*, 1879," to be divided into thirty thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinafter named, and such other persons and corporations as may become shareholders in the said Company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the road; and the remainder of such money shall be applied towards making and completing and maintaining the said railway and bridge and other purposes of this Act.

Company may receive aid.

4. It shall be lawful for the said Company to receive by grant, either from the Government of Canada or of any Province thereof, or from any individuals or corporations, municipal or otherwise, either in Canada or elsewhere, as aid in the construction of the said railway, any vacant lots in the vicinity thereof or elsewhere, or any other real or personal property, or any sums of money, either as gifts or by way of bonus, or in payment of stock, and legally to dispose of the same, and to alienate the lands or other real or personal property for the purposes of the said Company in carrying out the provisions of this Act.

Provisional directors and their powers.

5. Alexander Walker Ogilvie, the Honorable L. Ruggles Church, John Poupore, Peter White, William J. Conroy, Hector Mayne McLean, and J. T. Pattison, Esquires, shall be and are hereby constituted a board of provisional directors of the Company, four of whom shall form a quorum, and shall hold office as such, until other directors shall be elected, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to open stock books and procure subscriptions for the undertaking, to receive payment on account of stock subscribed, to make calls upon subscribers in respect of their stock, to sue for and recover the same, to cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing, to deposit in any chartered bank of Canada any sums of money received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, to receive for the Company any gift made to it in aid of the undertaking, to enter into any agreement respecting the condition or disposal of any gift or bonus in aid of the railway, which agreement shall be binding on the Company, and generally to do all such other acts as such board, under "*The Consolidated Railway Act*, 1879," may lawfully do.

Subscription of shares.

6. The said directors are hereby empowered to take all necessary steps for opening stock books for the subscriptions of parties desirous of becoming shareholders in the said Company, and all parties subscribing to the capital stock of

the said Company shall be considered proprietors and partners in the same.

First meeting of shareholders and proceedings thereat.

7. When and so soon as one-tenth part of the capital stock shall have been subscribed as aforesaid, either in municipal debentures granted by way of bonus, or otherwise, or in ordinary subscriptions by individuals to the capital stock, or partly in such subscriptions, and one-tenth of the amount so subscribed paid in, the said directors, or a quorum of them, may call a meeting of shareholders, at such time and place as they think proper, giving at least two weeks' notice in one or more papers in English or French, published in the district of Ottawa, at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present in person or represented by proxy, shall elect not less than five, nor more than nine directors, in the manner and qualified as hereinafter provided, which said directors shall constitute a board of directors and shall hold office until the second day of January in the year following their election.

Annual general meeting.

8. On the said second day of January, and on the second day of January in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the shareholders of the Company, at which meeting the said shareholders shall elect a like number of not less than five, nor more than nine directors, for the then ensuing year, in the manner and qualified as hereinafter provided ; and public notice of such annual meeting and election shall be published for one month before the day of election, in one or more newspapers in French and English, if such there be, in the district of Ottawa; and the election of directors shall be by ballot, and the persons so elected shall form the board of directors.

Notice.

Ballot.

Quorum.

Qualification of director.

9 A majority of the directors shall form a quorum for the transaction of business, and the said board of directors, as well as the provisional board of directors, may employ one or more of their members as paid Director or Directors : Provided, however, that no person shall be elected a Director unless he shall be the owner and holder of at least ten shares of the stock of the said Company, and shall not be in arrear in respect of any call thereon.

Appointment of director by municipality giving bonus.

10. Any municipal council of a municipality which has given a bonus in aid of the said railway or its branches, amounting to not less than ten thousand dollars, shall be entitled during the construction of the railway, but not afterwards, to appoint a person annually to be a Director of the Company ; and such person shall be a Director of the Company in addition to all the other directors authorized by this Act, or by " *The Consolidated Railway Act*, 1879," or by any other Act ; but such municipality shall incur no liability by the appointment of such Director.

And by municipality

11. Any municipal council of any municipality holding stock in the said railway, to an amount of not less than ten

holding stock.

thousand dollars, shall be entitled to appoint one person annually to be a director of the Company; and any municipal council of any municipality holding not less than one hundred thousand dollars stock in the said railway, shall be entitled to appoint annually, two persons to be Directors of the said Company; and such person or persons shall be a Director or Directors of the said Company, in addition to all the other directors authorized by this Act.

Calls on stock.

12 The Directors may at any time call upon the shareholders for instalments upon each share which they or any of them may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and the Directors shall give one month's notice of such call in such manner as they may appoint.

Sale of land.

13. The Company shall have power to sell, mortgage or lease any lands belonging to it which are not necessary for the purposes of the said railway, or which have been received by it as a gift in aid.

Company may become party to promissory notes.

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

Proviso: as to bank notes.

Bonds may be issued.

15. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company or any, either, or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof, and such bonds or debentures shall be in such form, and for such amount, and payable at such time and places as the Directors, from time to time, may appoint and direct; and the payment to the Treasurer of the Company, or to any other person appointed for the purpose, by any *bonâ fide* purchaser of any of the lands in the fourth and thirteenth sections of this Act mentioned, of the purchase

money thereof, and the acquittance of such Treasurer, or other person so appointed, of such purchase money, shall operate as a discharge of such charge in respect of the lands so paid for; and until other provisions be made therefor, the Treasurer of such Company, or other person so authorized, shall keep all moneys so received separate and apart from the ordinary funds of the Company, and the money so received shall be invested, from time to time, in Government securities or in the stock of some solvent and well-established chartered bank in Canada, for the formation of a fund for the payment of the interest on such debentures as it becomes due, and for their redemption at maturity. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto; provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of the railway under contract, or to be constructed under and by virtue of this Act, but no such debentures shall be for a less sum than one hundred dollars.

Application of proceeds of sale of lands.

Proviso: issue limited.

16. The directors of the said Company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other chartered railway company, for the purpose of making any branch or branches to facilitate a connection between this Company and any other chartered railway company.

Agreements as to branch lines.

17. The Company may enter into an agreement with any other chartered railway company, for leasing to such company the said railway or any part or branch thereof, or the use thereof, at any time or times, and for any period, or for leasing or hiring as lessors or lessee, any locomotives, tenders, cars or other rolling stock or movable property, under such sanction as hereinafter mentioned, and generally to make any agreement or agreements with any such other company touching the use by one or other, or by both companies, of the railway or rolling stock or moveable property of either or both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and such bases, agreements and arrangements shall be valid and binding, and shall be enforced by all courts of law, according to the tenor and effect thereof, or such other railway company may agree to loan its credit to, or may subscribe to and become the owner of the whole or a part of the stock of the railway company hereby incorporated, in like manner and with the like rights as individuals; provided the said leases agreements and arrangements have been first respectively sanctioned by the majority of votes, at special general meetings of the shareholders, called for the purpose of considering the same respectively, on due notice given as of annual general meetings for the election of Directors.

Running arrangements with other companies.

Proviso: to be sanctioned.

18. The said board of Directors shall elect and appoint a President and Vice-President or Vice-Presidents and the

Election of officers.

necessary officers, and fill up vacancies from time to time; but the said President and Vice-Presidents shall be elected annually immediately after the election of Directors, except that in filling up a vacancy an election may be made at any time.

Directors may procure subscriptions for stock.

19. The said board of Directors are hereby authorized to take all necessary steps for procuring subscriptions for stock until the whole has been taken up, and to make, execute, and deliver scrip and share certificates therefor as they shall deem expedient.

Form of conveyance of land.

20. Any deed of conveyance of land to the said Company may be in the form of schedule A to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before one of the officers usually authorized to receive the same; and a deed in such form or in words of like import shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary.

Wooden rails may be used in part.

21. The directors of the said Company may, if they see fit, use wooden rails on any portion of the said railway not exceeding one-half of its whole length, for any term no exceeding two years, when such wooden rails shall be replaced by iron or steel rails.

Limitation of time.

22. The powers given by this Act shall be exercised by the commencement of the said railway within two years after the passing of this Act, and its completion within six years therefrom.

Short title.

23. This Act may be cited as "*The Pontiac Pacific Junction Railway Act.*"

SCHEDULE A.

Know all men, by these presents, that I., A. B. of (*name also of wife, if any*) in consideration of paid to me by the Pontiac Pacific Junction Railway Company, the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey, unto the said Pontiac Pacific Junction Railway Company, their successors and assigns, all the tract or parcel of land (*describe the land*), to have and to hold the said land and premises unto the said Company, their successors and assigns for ever. (*Here insert the release of dower, if any.*)

Witness my hand and seal this day of one thousand eight hundred and

Signed, sealed and delivered, in presence of C. D. } A. B. (L.S.)

No. 71.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate the Pontiac Pacific Junction Railway Company.

Received and read, first time, Thursday, 11th March, 1880.

Second reading, Friday, 12th March, 1880.

PRIVATE BILL.

Mr. WHITE
(Renfrew.)

OTTAWA:
Printed by MACLEAN, ROGER & Co., Wellington Street
1880

No. 72.] **BILL.** [1880.

An Act to extend the corporate character and powers of the Direct United States Cable Company to the Dominion of Canada.

Preamble.

WHEREAS a certain corporation, incorporated under the laws of the United Kingdom of Great Britain and Ireland, in the year eighteen hundred and seventy-seven, under the name of the "Direct United States Cable Company, Limited," has by its petition represented that it was so incorporated for the object among others of establishing telegraphic communication between Great Britain, Ireland and America, and between places therein, and have prayed that, an Act may be passed extending their corporate character and powers to the Dominion of Canada, and authorizing them to exercise in Canada, such of the said powers as may be necessary to carry out the purposes for which they were so incorporated, and it is expedient that the prayer of their petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The corporation mentioned in the preamble to this Act is hereby declared to be, within the Dominion of Canada, a body corporate and politic under the laws of Canada, by the said name of the "Direct United States Cable Company, Limited," with the constitution and organization provided for by the proceedings taken for its incorporation in Great Britain.

Powers of the company.

2. The said corporation is hereby authorized and empowered to connect submarine lines of telegraph with the land at any point or points within the Dominion of Canada, to establish all stations, machinery, and necessary apparatus at and near such point or points; to construct, hire or lease, maintain and work any line or lines of land telegraph that may be requisite to connect such submarine telegraph line or lines with the main lines of land telegraph within the Dominion; to acquire, use and dispose of such lands as may be requisite for the foregoing purposes; and generally to carry on the business of a Marine Telegraph Company, and to do all such acts and things as are incidental thereto; but the said Company shall not transmit messages for hire between points on the Continent of America, except such as shall be transmitted or intended for transmission by submarine telegraph.

38 V., c. 26 not to apply.

3. The provisions of the Act thirty-eighth Victoria, chapter twenty-six, shall not apply to the said Corporation.

No. 72.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to extend the corporate character and powers of the Direct United States Cable Company, to the Dominion of Canada.

Received and read, first time, Thursday, 11th March, 1880.

Second reading, Friday, 12th March, 1880.

(PRIVATE BILL.)

Mr. McCarthy.

OTTAWA.

Printed by MacLean, Roger & Co

1880.

No. 73] **BILL.** [1880.

An Act to amend "An Act respecting the Port Whitby Harbor Company."

Preamble. 41 V., c 37.

WHEREAS by the Act passed in the forty-first year of Her Majesty's reign and chaptered thirty-seven, power was given to David Fisher and Jane Malvina Draper, the executor and executrix of the last will and testament of Chester Draper, deceased, to sell, grant and convey the Port Whitby Harbor and appurtenances and the interest of them therein as is set forth in the said Act; and whereas it hath been made to appear that the said Jane Malvina Draper has, before any sale thereof, departed this life; and whereas it is expedient that David Fisher alone should have the same power to sell, grant and convey, as is in the said Act given to him and Jane Malvina Draper jointly; and whereas it is also expedient to provide for the disposal of the said property in the event of the death of the said David Fisher before the sale and transfer of the said Harbor; and whereas it is expedient to grant the prayer of the petition of the said David Fisher in that behalf: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Surviving executor may sell the harbor.

1. The said David Fisher the surviving executor of the said Chester Draper, and (in the event of his death), the executors or executrix of the last will and testament of the said David Fisher is and are hereby authorized and empowered for and on behalf of himself or themselves and for and on behalf of the Port Whitby Harbor Company to sell, grant and convey all the right, title and interest of the Chester Draper estate and of the Port Whitby Harbor Company in and to the said Harbor, together with the piers, breakwaters, approaches, and other works, property, rights, and appurtenances connected therewith, to any company in Ontario incorporated as in the said Act mentioned, and the said company shall take and hold the same on the same terms and subject to the same conditions as are declared in the seventh and eighth sections of the said Act.

No. 73.

2nd Session, 4th Parliament, 43 Victoria, 1880

BILL.

An Act to amend "An Act respecting the Port Whitby Harbor Company."

Received and read, first time, Friday, 12th March, 1880.

Second reading, Monday, 15th March, 1880.

Mr. KIRKPATRICK.

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

1880.

Reprinted

No. 74.] **BILL.** [1880.

An Act to incorporate the North-West Colonization Land Company.

Preamble.

WHEREAS the persons hereinafter named and others, by their petition, have prayed that they may be incorporated for the purpose, among other things, of settling, improving and colonizing lands, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The Honorable Isaac Buchanan, the Honorable Walter R. Bown, John Schultz, M.P., Francis E. Kilvert, M.P., William Bannerman, M.P., James R. Adamson, George H. Gillespie and E. O'Reilly, Esquires, and such other persons as shall become shareholders in the corporation hereby created, and their respective executors, administrators and assigns, shall be and are hereby constituted and declared to be a corporation, body corporate and politic, in fact and in name, under the name and style of the North-West Colonization Land Company, and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

Capital stock and shares.

2. The capital stock of the said Company shall be one million of dollars, divided into ten thousand shares of one hundred dollars each. And the Company shall have power to commence business as soon as one hundred thousand dollars of its capital stock shall have been subscribed, and ten per cent. upon such amount so subscribed shall have been paid up.

Provisional directors and their powers.

3. The said persons above named shall be provisional directors for the purpose of organizing the said Company, with power to add to their number, and they, or a majority of them, may cause stock books to be opened at such times and places as they, or a majority of them, shall think expedient, after giving two weeks' notice thereof in one or more newspapers published in the City of Hamilton, upon which stock books shall and may be recorded the subscriptions of such persons as shall desire to become shareholders in the said Company; and such books shall be kept open at the discretion of the said provisional directors, or a majority of them, so long as they shall deem it necessary.

First meeting of shareholders.

4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesa d

ers and proceedings thereat.

and ten per cent. of the amount paid in, the said provisional directors may call a general meeting of the shareholders at some place to be named in the City of Hamilton, giving at least ten days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city; at which general meeting the shareholders present in person or represented by proxy shall elect directors in the manner and qualified as the by-laws of the Company may prescribe, who shall constitute a board of directors and shall hold office until the first Wednesday in January in the year following their election.

Head office.

5. The head office of the Company shall be in the City of Hamilton, but the Company may have other offices in Canada or Great Britain or elsewhere for such purposes as the Directors shall determine

Real estate.

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

Power to hold lands.

7. The Company may buy lands and hold the same for a period not exceeding twenty-five years, and may sell the same in whole or in parcels and on such terms as may be agreed upon.

Further powers as to land.

8. The Company may hold such real estate as, being mortgaged or hypothecated to them, may be acquired by them for the protection of their investments, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same.

Act 40 V., c. 43 incorporated with this Act.

9. The provisions of the Act, fortieth Victoria, chapter forty-three, intituled "*An Act to amend the law respecting the incorporation of Joint Stock Companies by Letters Patent*," except in so far as they may be varied by this Act, are hereby incorporated with, and shall form part of this Act.

No. 74.

2nd Session, 4th Parliament, 43 Victoria

BILL.

An Act to incorporate the North Colonization Land Company

Received and read, first time, Frida March, 1880.

Second reading, Monday, 15th March,

(PRIVATE BILL.)

Mr. SCHU

OTTAWA:
PRINTED BY MACLEAN, ROGER &
1880.

No. 75] **BILL.** [1880.

An Act to regulate the floating of firewood in the River St. Francis.

Preamble. Act of Quebec 40 Vic., c. 67.

WHEREAS the Legislature of the Province of Quebec, by the Act of the said Province, passed in the fortieth year of Her Majesty's reign, chapter sixty-seven, has made provision for remedying the abuses which exist in connection with the floating of firewood on the non-navigable portion of the River St. Francis; and whereas it is expedient to confirm the said Act; and whereas the floating of firewood, to allow of its convenient lading upon barges, must be continued over a small part of the navigable portion of the said river; and whereas it is necessary to make provision in that behalf: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The said Act confirmed, as far as powers of Parliament of Canada extend.

1. The said Act of the Province of Quebec, fortieth Victoria, chapter sixty-seven, intituled "*An Act to regulate the floating of cordwood in the unnavigable portion of the River St. Francis*," is confirmed in so far as the powers of the Parliament of Canada extend to the matter, and all the provisions of the said Act within the purview of the powers thereof shall have the same force and effect as if the said Act had been passed by the Parliament of Canada.

Where the boom may be placed.

2. The boom to stop the firewood brought down by drive on the River St. Francis, may be placed between the villages of St. François du Lac and Pierreville, which are situated a short distance below the spot where the river becomes navigable; and it shall be lawful for the Trustee of the River St. Francis, or his deputy when acting in his behalf, to construct the said boom, or cause the same to be constructed, provided the said boom shall be constructed in such a manner as not to impede the navigation of the said river; and the Trustee of the River St. Francis (or his deputy, in the case provided for in the said Act of the Province of Quebec) shall superintend the driving of the wood as far as the boom there placed, and the drawing out of the wood at the said boom.

Duty of Trustee of the river, or his deputy.

Measuring, piling, &c., of the firewood.

3. The firewood shall be drawn out, piled and measured, and the loss in bringing down the drive shall be established and ascertained, and the wood shall be delivered at the boom which shall be placed at the spot above mentioned, in conformity with the provisions of the said Act of the Province of Quebec.

Delivery of firewood by Trustee to the parties entitled to it.

4. No person who has thrown firewood into the non-navigable part of the said river, before the same has been received by the Trustee or by his deputy, or before he has been notified of the days when it is to be thrown in, shall be entitled to receive any wood at the boom placed as aforesaid, until the Trustee or his deputy, in cases in which the latter is authorized to act, has delivered and distributed to each of the persons who have brought down wood in accordance with the provisions of the Act of the Province of Quebec hereinbefore mentioned, the quantity of wood to which the Trustee or his deputy shall decide that such person is entitled; and persons contravening the provisions of the said Act shall take what wood is left, without being entitled to any compensation for any loss to which they may claim to have been subjected.

Penalty for taking wood not so delivered.

5. Any person who shall remove or take wood from the boom placed as aforesaid, without the permission of the Trustee or his deputy, in cases in which the latter is authorized to act, shall incur a penalty not exceeding *fifty dollars* for each contravention.

Recovery and application of penalty.

6. The penalty imposed by the next preceding section shall be recoverable and shall be applied as provided by the Act of the Province of Quebec hereinbefore cited.

No. 75.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to regulate the floating of cord-wood upon the River St. François du Lac.

Received and read, first time, Friday, 12th March, 1880.

Second reading, Monday, 15th March, 1880.

Mr. VANASSE.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1880.

No. 76.] **BILL.** [1880

An Act to remove doubts as to the true construction of Section twelve of "The Northern Railway Company Act, 1877."

WHEREAS doubts have arisen as to the construction of the twelfth section of the Act known as "*The Norlhern Railway Company Act*, 1877," in relation to the right of certain preferential stockholders to vote jointly with the private shareholders of the said Company therein referred to, in the election of one director from among such private shareholders by their exclusive vote; and whereas it is expedient that such doubts should be removed: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble, 40 Vic., c. 57.

1. It is the true intent and meaning of Section twelve of the Act passed in the fortieth year of Her Majesty's reign, chaptered fifty-seven, and intituled "*An Act respecting the Northern Railway Company of Canada*," that the one director to be chosen from amongst the private shareholders as therein set forth, is to be so chosen by the exclusive vote of the holders of the original ordinary share capital of the said Company, without the vote of any preferential stockholders or other persons whomsoever. Section 12 explained.

2. Nothing done, permitted, or suffered by the board of directors of the said Company since the eighteenth day of February, 1880, shall be affected or prejudiced by anything herein contained. Certain acts not affected.

No. 76.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to remove doubts as to the true construction of Section Twelve of "The Northern Railway Company Act, 1877."

Received and read, first time, Friday, 12th March, 1880.

Second reading, Monday, 15th March, 1880.

(PRIVATE BILL.)

Mr. McCarthy.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 77.] **BILL.** [1880.

An Act to facilitate the detention and safe-keeping, in certain cases, of persons convicted in the North-West Territories or District of Keewatin and sentenced to imprisonment.

Preamble.

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

Such convicts may in certain cases be committed to the gaol at Winnepeg or at Prince Arthur's Landing.

1. Whenever, under any law of Canada, any judge, stipendiary magistrate, justice of the peace or other functionary is authorized to commit to a common gaol, house of correction or lock-up house, or to the custody of the North-West Mounted Police, any person convicted before him of an offence committed in any part of the North-West Territories, or of the District of Keewatin, or elsewhere west of a line running due north from the confluence of the Ohio and Mississippi Rivers, then if there be no proper place of confinement for or within the locality in which the conviction is had or the offence was committed, or if for any reason, it would in his opinion, be more convenient or less expensive so to do, the said judge, stipendiary magistrate, justice of the peace or other functionary may commit such person to the gaol at Winnipeg, or to the gaol at Prince Arthur's Landing, whichever may in his opinion, be nearest to, or most conveniently accessible from the place of conviction.

Powers of constables, &c, conveying such convict to gaol.

2. Whenever any person is committed to gaol under the preceding section, any constable or other person, in whose charge such person is to be conveyed to the place of imprisonment, shall have the same power to hold and convey such person and to re-take him in case of an escape, and otherwise deal with such person as if he had been committed to such gaol by some court or authority competent (independently of the said section) to so commit him.

Certain statements need not appear in the warrant.

3. It shall not be necessary in any warrant of commitment under this Act, or in any conviction or sentence upon which such warrant is issued, that any reason should be stated which renders it more convenient or less expensive, or that it should be stated that, in the opinion of the convicting judge, stipendiary magistrate, justice of the peace or other functionary, it is more convenient or less expensive that the offender should be committed to the gaols mentioned in the warrant, or that such gaol is in his opinion nearer to or more conveniently accessible from the place of conviction.

Provision for indemnifying Ontario or Manitoba for expenses.

4. The Governor in Council may from time to time make arrangements with the Governments of Ontario and Manitoba, respectively, for the payment of such sums as may be agreed upon for the confinement in the said gaols at Prince Arthur's Landing and Winnipeg, respectively, of such persons as may have been committed to either of such gaols for offences not committed within the Province in which such gaol is situate.

No. 77.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to facilitate the detention and safe-keeping, in certain cases, of persons convicted in the North-West Territories or District of Keewatin, and sentenced to imprisonment.

Received and read first time, Tuesday, 16th March, 1880.

Second reading, Thursday, 18th March, 1880.

Mr. MACDONALD
(Pictou).

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

Reprinted.

No. 79.] **BILL.** [1880.

An Act to incorporate The Souris and Rocky Mountain Railway Company.

WHEREAS the construction of a railway from some point on the Canadian Pacific Railway, in the North-West Territories, at or near the Falls of the Little Saskatchewan River, in or near Township Thirteen, Range Twenty, west, and following a direction thence westerly between the international boundary line and the fifty-first degree of northern latitude to the Rocky Mountains, with a branch line of railway south-westerly to the coal beds on the Souris River, with other branches southerly and northerly as the settlement and development of the country may require, would be to the advantage of the North-West Territories and the Dominion of Canada; and whereas a petition has been presented for the incorporation of a company for the purpose of constructing and working the same; and whereas it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Lewis Bentley, Alexander Jemmell, Archibald Young, Warzing Kennedy, John Fiskin, Robert W. Prettie, John F. Taylor, James Cooper, John Smith, Samuel Booth, Robert Simpson, Matthew T. Hunter, Edward J. Musson, Robert George, and D. MacEwan, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of the Souris and Rocky Mountain Railway Company. Certain persons incorporated.

2. The said Company shall have power and authority to lay out and construct a railway as hereinbefore set forth. Railway may be constructed.

3. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice by advertisement in the *Canada Gazette* of the time and place of their meeting to receive such subscription of stock; and they shall have power to receive payments on account of stock so subscribed, and to cause plans and surveys to be made, and to acquire any Provisional directors and their powers.

plans and surveys now existing, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and to withdraw the same solely for the purposes of the undertaking, and to receive on behalf of the Company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway.

Capital stock and shares.

4. The capital stock of the Company shall be two millions o dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879,") to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passage of this Act, and for making the plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, completing, equipping and maintaining of the said railway and other purposes of this Act.

Ten per cent payable on subscription.

5. No subscription of stock in the capital of the Company shall be legal or valid unless ten per centum shall have been actually and *bonâ fide* paid thereon within thirty days after subscription into one or more of the chartered banks of Canada, to be designated by the directors, and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of such railway, or upon the dissolution of the Company from any cause whatever.

Company may receive aid.

6. The said Company may receive from any government, person or body corporate, in aid of the construction, equipment and maintenance of the said railway, grants of land, bonuses, loans or gifts of money or securities for money.

First meeting of shareholders.

7. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the said Company have been subscribed, and fifteen per centum paid thereon *bonâ fide*, the provisional directors shall call a general meeting of the subscribers to the said capital stock at the City of Winnipeg or at the City of Toronto, as they shall deem most convenient, for the purpose of electing directors of the said Company, giving at least four weeks' previous notice by public advertisement in some daily paper published in the City of Winnipeg and in one published in the City of Toronto, and also by a circular addressed by mail to each subscriber (when his or her address is known) of the time, place and purpose of the said meeting.

Qualification of directors.

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

9. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be directors of the said Company (of whom five shall be a quorum), and may also pass such rules and regulations and by-laws, as may be deemed expedient, provided they be not inconsistent with this Act or "*The Consolidated Railway Act*, 1879." Election of directors.

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

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

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

Bonds may be issued.

Proviso: amount limited.

Proviso: as to time of issue.

Bonds may be secured by mortgage deed

so contained in such mortgage deed shall be valid, binding and available to the bondholders in manner and form as therein provided.

Bonds to be a first charge on the undertaking.

13. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be the first preferential claims and charges upon the said Company and the undertaking, tolls and income and real and personal property thereof, now or at any time hereafter acquired, save and except as is provided for in the last preceding section, and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with the other bondholders and shall have priority as such.

Powers of bondholders in case of non payment.

14. If the said Company shall make default in paying the principal of, or interest on any of the bonds hereby authorized at the time when the same shall by the terms of the bond become due and payable, then at the next ensuing annual general meeting of the said Company, and all subsequent meetings, all holders of bonds so being and remaining in default shall in respect thereof have and possess the same rights, privileges and qualifications for directors, and for voting at general meetings as would be attached to them as shareholders if they had held fully paid up shares of the Company to a corresponding amount: Provided, nevertheless, that the right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the said Company; and for that purpose the said Company shall be bound on demand to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Proviso: as to registration.

Proviso: certain rights saved.

Transfers of bonds.

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

Company may become party to promissory notes.

16. The said Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums of not less than one hundred dollars, and any such note or bill made, accepted or endorsed by the president or vice-president of the said Company as president or vice-president thereof, and countersigned by the secretary, and under the authority of a majority or quorum of the directors, shall be

binding on the said Company ; and any such promissory note or bill of exchange so made as aforesaid shall be presumed to have been made with proper authority until the contrary be shown ; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary, be individually responsible or liable for the same unless the said promissory notes or bills of exchange have been issued other than as aforesaid : Provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill payable to bearer or intended to be circulated as money or as the bills or notes of a bank.

Proviso: as to bank notes.

17. It shall be lawful for the Company to enter into any agreement with any other Company, for the use or partial use of the railway of the Company, or for leasing or hiring from such other Company any other railway or part thereof, or the use thereof, and for any period or term, or for the leasing or hiring any locomotives, cars or movable property ; and generally to make any agreement with any other Company touching the use of the railway or of the railway of the other Company, or the movable property of the other Company, or touching or concerning any service to be rendered by the one Company to or for the other, and the compensation therefor: Provided, that any such agreement, lease or contract in this section mentioned or referred to shall be first approved of, and authorized by the shareholders of the Company at an annual general meeting or special general meeting called for that purpose.

Arrangements may be made with other companies.

Proviso: to be approved.

18. The railway shall be commenced within two years, and completed within five years from the passing of this Act, and in default thereof the powers hereby conferred shall lapse with respect to so much of the railway as then remains incomplete.

Limitation of time.

No. 79.

2nd Session, 4th Parliament, 43 Victoria, 1880

BILL.

An Act to incorporate the Souris and Rocky Mountains Railway Company.

Received and read, first time, Thursday, 18th March, 1880.

Second reading, Friday, 19th March, 1880.

Mr. BOULTBEE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1880.

No. 79.] **BILL.** [1880

An Act to incorporate The Souris and Rocky Mountain Railway Company.

[*Reprinted as amended by Select Standing Committee on Railways, Canals and Telegraph Lines.*]

Preamble.

WHEREAS the construction of a railway from some point on the Canadian Pacific Railway, in the North-West Territories, and following a direction thence westerly between the international boundary line and the fifty-first degree of north latitude to the Rocky Mountains, with a branch line of railway south-westerly to or near the coal beds on the Souris River, would be to the advantage of the North-West Territories and the Dominion of Canada; and whereas a petition has been presented for the incorporation of a company for the purpose of constructing and working the same, and of constructing, owning and operating lines of telegraph along the line of the said railway; and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Lewis Bentley, Alexander Gemmell, Archibald Young, Warring Kennedy, John Fiskin, Robert W. Prettie, John F. Taylor, James Cooper, John Smith, Samuel Booth, Robert Simpson, Matthew T. Hunter, Edward J. Musson, Robert George, D. MacEwan, G. M. Butchart, A. Garrett, D L. McLaren, Hon. W. N Kennedy, A. W Bell, F. L. Logan, C. J. Wyatt, S. S. Sudlow, George Balkwell, J. Sibbald, Joseph Riopelle, Wm. Bannerman, Thomas Cramp and George Osborne, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of the Souris and Rocky Mountain Railway Company.

Railway may be constructed.

2. The said Company shall have power and authority to lay out and construct a railway from some point on the Canadian Pacific Railway in the North-West Territories to be fixed by the Governor in Council, following a direction thence westerly between the international boundary line and the fifty-first degree of north latitude to the Rocky Mountains, with a branch line of railway southerly to or near the coal beds on the Souris River, and to construct all necessary bridges over rivers crossing the said line between the said points, and also to build and operate branch lines of railway from the first above de cribed line, all such lines and branch lines to be approved of by the Governor in Council.

Provisional directors and their powers.

3. John Fiskin, Warring Kennedy, Archibald Young, Hon. W. N. Kennedy, Wm. Bannerman, G. M. Butchart, John Smith, John F. Taylor, and D. L. McLaren, shall be and are hereby constituted provisional directors of the said Company (of whom five shall be a quorum), and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice by advertisement in the *Canada Gazette* of the time and place of their meeting to receive such subscription of stock; and they shall have power to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and also all such powers as are vested in provisional directors by "*The Consolidated Railway Act*, 1879."

Capital stock and shares.

4. The capital stock of the Company shall be two millions of dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879,") to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all expenses and disbursements connected with the organization of the Company and other preliminary expenses, and making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, completing, equipping and maintaining of the said railway and the other purposes of this Act and no other purpose whatsoever.

Ten per cent. payable on subscription.

5. No subscription of stock in the capital of the Company shall be legal or valid unless ten per centum shall have been actually and *bonâ fide* paid thereon within thirty days after subscription into one or more of the chartered banks of Canada, to be designated by the directors, and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of the Company; and the said directors or a majority of them may in their discretion apportion the stock so subscribed among the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking.

Company may receive aid.

6. The said Company may for the purposes of the railway receive from any government, person or body corporate, in aid of the construction, equipment and maintenance of the said railway, grants of land, bonuses, loans or gifts of money or securities for money.

First meeting of shareholders.

7. When and so soon as shares to the amount of five hundred thousand dollars in the capital stock of the said Company have been subscribed, and ten per centum paid thereon *bonâ fide*, the provisional directors shall call a general meeting of the subscribers to the said capital stock at the City of Winnipeg or at the City of Toronto, as they shall deem most convenient, for the purpose of electing directors of the said Company, giving at least four weeks' previous notice by public advertisement in the *Canada Gazette* and in some daily paper published in the City of Winnipeg

and in one published in the City of Toronto, and also by a circular addressed by mail to each subscriber (when his or her address is known) of the time, place and purpose of the said meeting.

Qualification of directors.

8. No person shall be elected a director of the Company unless he shall be the holder and owner of at least fifty shares in the stock of the Company, and shall have paid up all calls thereon.

Election of directors.

9. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, and also shall be present in person or represented by proxy, shall choose nine persons to be directors of the said Company (of whom five shall be a quorum), and may also pass such rules and regulations and by-laws, as may be deemed expedient, provided they be not inconsistent with this Act or "*The Consolidated Railway Act*, 1879."

Annual general meeting.

10. Thereafter the annual general meeting of the shareholders of the Company for the election of directors and other general purposes, shall be held at such place as may be appointed by by-law of the Company, on the first Thursday in the month of February, in each year, and two weeks' previous notice thereof shall be given by publication in the *Canada Gazette* and in one newspaper published in the Province of Manitoba and in one published in the City of Toronto.

Calls on stock.

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

Bonds may be issued.

12. The directors of the said Company under the authority of the shareholders to them given by a resolution of a special general meeting called for that purpose are hereby authorized to issue bonds under the seal of the said Company, signed by its president or other presiding officer, and countersigned by its secretary and treasurer; and such bonds shall be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest, as the directors shall think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which, at the time, they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking; Provided, that the amount of bonds so issued, sold or pledged shall not exceed ten thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed: Provided also, that no such bonds shall be issued until at least five hundred thousand dollars shall have been subscribed to the capital stock, and ten per centum of the same *bonâ fide* paid thereon; but notwithstanding anything in this Act contained, the Company may secure the

Proviso: amount limited.

Proviso: as to time of issue.

bonds to be issued by them by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future, or both, as shall be described in the said deed ; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway; and by the said deed the Company may grant to the holders of such bonds, or to the trustee or trustees named in such deed all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all such powers, rights and remedies as shall be so contained in such mortgage deed shall be valid, binding and available to the bondholders in manner and form as therein provided.

Bonds may be secured by mortgage deed.

Bonds to be a first charge on the undertaking.

13. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be the first preferential claims and charges upon the said Company and the undertaking, tolls and income and real and personal property thereof, now or at any time hereafter acquired, save and except as is provided for in the last preceding section, and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with the other bondholders and shall have priority as such.

Powers of bondholders in case of non-payment.

14. If the said Company shall make default in paying the principal of, or interest on any of the bonds hereby authorized at the time when the same shall by the terms of the bond become due and payable, then at the next ensuing annual general meeting of the said Company, and all subsequent meetings, all holders of bonds so being and remaining in default shall in respect thereof have and possess the same rights, privileges and qualifications for directors, and for voting at general meetings as would be attached to them as shareholders if they had held fully paid up shares of the Company to a corresponding amount : Provided, nevertheless, that the right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the said Company; and for that purpose the said Company shall be bound on demand to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Proviso: as to registration.

Proviso: certain rights saved.

Transfers of bonds.

15 All bonds, debentures and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery, unless and until registry thereof in manner provided in the next preceding

section, and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Company may become party to promissory notes.

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

Proviso: as to bank notes.

Arrangements may be made with other companies.

17. It shall be lawful for the Company to enter into any agreement with any other Company, for the use or partial use of the railway of the Company, or for leasing or hiring from such other Company any other railway or part thereof, or the use thereof, and for any period or term, or for the leasing or hiring any locomotives, cars or movable property.

Time for commencement and completion fixed

18. The works upon the main line of the said railway shall be commenced not later than the time when the Canadian Pacific Railway shall be completed from the Red River to the point of commencing the railway hereby authorized; and thereafter not less twenty miles of such railway shall be completed each year to the satisfaction of the Governor in Council, failing which the powers hereby granted to the said Company to extend their line of railway for any further distance than the length of line then completed shall be forfeited.

Company may amalgamate with another.

19. The said Company, acting by its directors authorized in that behalf, by a resolution of the shareholders passed at a meeting thereof specially called for the purpose, which resolution must be concurred in by shareholders holding an actual majority of the stock of the Company, may amalgamate with the Manitoba South-Western Colonization Railway Company, and for that purpose may execute with the said last mentioned Company a deed of amalgamation providing for the amalgamation of the Company hereby incorporated with the said last mentioned Company, and upon the execution of such deed of amalgamation, and after the publication of a

Telegraph line may be constructed.

notice of the execution thereof in the *Canada Gazette*, the franchises, privileges, assets, rights and property of the Company hereby incorporated shall vest in the amalgamated Company by the name of either of the said Companies, as may be agreed in the deed of amalgamation, and its obligations and liabilities shall become the obligations and liabilities of the amalgamated Company, the whole upon such terms and conditions as shall be contained in the said deed of amalgamation not contrary to law or to the provisions of this Act, and all the powers conferred by this Act shall vest in the amalgamated Company.

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

C. P. R. to have running powers.

21. The Governor in Council shall have, for and on behalf of the Canadian Pacific Railway, running powers over the said road subject to such terms as shall be agreed upon with the Company, or on failure to agree, as shall be fixed and determined by arbitrators to be appointed by such Company and the Governor in Council respectively, and such third person as shall be appointed by a Judge of the Supreme Court of Canada, at the request of the said Company or of the Minister of Railways and Canals.

No. 79.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to incorporate the Souris and Rocky Mountain Railway Company.

Reprinted as amended by Select Standing Committee on Railways, Canals and Telegraph Lines.

Mr BOULTBEE.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1880.

No. 80.] **BILL.** [1880.

An Act to simplify Criminal Procedure in the Province of Quebec, and to dispense with Grand Juries in certain cases.

Preamble.

WHEREAS in the Province of Quebec experience has shown that in the great majority of cases of prisoners committed for trial before the Courts of criminal jurisdiction, an investigation before a Grand Jury is unnecessary, and it is expedient to lessen the expense of the administration of justice in criminal cases within the said Province: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Grand Juries dispensed with in Quebec, except only in capital cases.

1. From and after the passing of this Act, it shall not be necessary to summon Grand Jurors in the Province of Quebec, before any Court of Queen's Bench or Court of General or Quarter Sessions, to investigate into or take cognizance of any bill of indictment for any offence triable by jury, as heretofore practised, save and except in cases of crimes punishable by death, in which latter cases the Grand Jury shall be summoned, as heretofore practised.

Proceedings for summoning Grand Jurors in capital cases.

2. Whenever any party has been committed for trial for any capital offence within the said Province, the Clerk of the Crown for the district shall issue a precept or venire, addressed to the Sheriff, as heretofore in use, for the summoning of the Grand Jurors, and thereupon it shall be the duty of the Sheriff to summon such Grand Jurors, as heretofore practised.

Who may prefer and fyle indictments for offences not capital.

3. In all cases of persons committed for trial before any Court of Queen's Bench, or Court of General or Quarter Sessions, within the said Province, for any offence not being a capital crime, the Clerk of the Crown, Clerk of the Peace, or the Attorney or Solicitor General, or other person representing the Attorney or Solicitor General, shall have power and authority to prefer and fyle any indictment, or indictments, for any crime or crimes for which the party accused may have been committed, or for any other offence or number of offences which the facts disclosed in the depositions taken before the Justices or other officials may, in their discretion, be considered necessary for the ends of justice, and after the said indictments are fyled, to proceed thereon, as if the same had been returned into Court as true bills of indictment by a Grand Jury, as heretofore practised.

Inconsistent enactments repealed.

4. All provisions of law now in force, inconsistent with the provisions of this Act are, in so far as the said Province of Quebec is concerned, hereby repealed.

No. 80.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to simplify Criminal Procedure in the Province of Quebec, and to dispense with Grand Juries in certain cases.

Received and read, first time, Thursday, 18th March, 1880.

Second reading, Friday, 19th March, 1880.

Mr. Coursol.

OTTAWA:

Printed by MacLean, Roger & Co.

1880.

No. 81.] **BILL.** [1880.

An Act to confirm the purchase, by the Dominion, of a portion of the Grand Trunk Railway, and the agreement made with the Grand Trunk Railway Company of Canada with respect thereto.

WHEREAS pursuant to the provisions of an Act passed in the forty-second year of Her Majesty's reign (A.D. 1879), chapter eleven, intituled "*An Act for the acquisition "by the Dominion of a certain portion of the Grand Trunk "Railway, to be made part of the Intercolonial Railway,*" the Grand Trunk Railway Company of Canada sold and Her Majesty bought that portion of the said Company's line of railway described in the indenture set out in the schedule hereto annexed, marked A, and the parties entered into the agreements contained in the said indenture; Preamble. 42 V., c. 11.

And whereas, for the avoidance of doubt, it is expedient to confirm the said purchase and sale and the said agreements, and the title of Her Majesty to the line of railway so bought:

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

1. The indenture or agreement set forth in the schedule hereto, marked A, is hereby confirmed and declared to have been and to be valid and binding in all respects, and the line of railway and the property, rights, easements and privileges granted and secured to Her Majesty, Her heirs and successors, by the said indenture, are hereby declared to be vested in Her Majesty, free and clear from all charges, liens or encumbrances (if any) thereon, under or by virtue or in respect of any mortgage, bonds, debentures, preference stocks, or other securities issued by the said Company. Agreement as per Schedule A, confirmed, and the railway vested in the Crown, free of all incumbrances.

SCHEDULE A.

THE GRAND TRUNK RAILWAY COMPANY OF CANADA, TO HER MAJESTY QUEEN VICTORIA FOR THE DOMINION OF CANADA.

Agreement for Purchase and Surrender of the Rivière du Loup Line.

This Indenture, made this seventeenth day of July, in the year of our Lord one thousand eight hundred and seventy-nine:

By and between Her Majesty Queen Victoria, represented herein by the Honorable the Minister of Railways and Canals, of Canada, and hereinafter called or referred to as "the Government," of the first part, and the Grand Trunk Railway Company of Canada, hereinafter called "the Company," of the second part.

Whereas by an Act of the Parliament of the Dominion of Canada passed in the late Session thereof, and entitled "An Act for the acquisition by the Dominion of a certain portion of the Grand Trunk Railway, to be made part of the Intercolonial Railway;"

It is provided that the Government may enter into arrangements with the Company for the purchase by the Dominion of that part of the Grand Trunk Railway between Rivière du Loup and Hadlow, with such metes and bounds, and such appurtenances (except certain rails then in use thereon) as may be deemed expedient, and for running powers between the Chaudière Junction and Point Lévis, and other obligations and services by either party to the other on equitable terms, to be agreed upon by the parties, and that Her Majesty may acquire the said property and rights, and the Company may sell and convey the same to Her Majesty for the Dominion of Canada, according to such agreement, but that the said Act should not take effect unless and until submitted to a special general meeting of the Company, and accepted by a majority, consisting of two-thirds of the votes of the persons present, or represented by proxy, entitled to vote. And it is further provided in and by the said Act, that payment of the purchase money, (which shall not exceed one million five hundred thousand dollars,) shall only be made to cover expenditure for such purpose in connection with the Grand Trunk Railway as the Government shall consider conducive to the public advantage, and that interest at six per cent. per annum shall be allowed on any purchase money remaining unpaid for thirty days after the payment of the same has become due under the agreement, and that interest at six per cent. per annum shall be allowed upon the value of such rails not purchased as part of the line, as may not be taken up and delivered by the Government to the Company according to agreement, so long as the same shall remain upon the line, after the period agreed upon, the value of such rails to be computed at their then marketable value.

And whereas, afterwards the said Act was duly submitted to a special general meeting of the said Company, the party thereto of the second part, duly called and held according to the provisions of the Statutes in that behalf, and was unanimously accepted and approved by the votes of the persons present, or represented by proxy, entitled to vote, according to the requirements of the above recited Act.

Now the said parties hereto agree as follows, that is to say:—

1. That they, the Government, do purchase the line of the Grand Trunk Railway from its junction with the Intercolonial Railway at Rivière du Loup, up to, and including, the first bridge east of the Hadlow Cove station grounds, including the

Western Branch at Chaudière Junction ; the switch on this line entering the main track of the Grand Trunk Railway to be under the charge of the said Company.

2. That the transfer shall include all the lands, lands covered with water, ballast pits, roadway with sleepers thereon, all sidings complete, (that is, in the state they now are,) all track laid with steel rails on the Rivière du Loup branch, and all the tracks complete as they now exist between the east switch at Chaudière Junction and the first bridge east of the Hadlow Cove station grounds ; also, station yard, all buildings, sheds and fences ; also the right of the Company in the telegraph lines and appliances, all stationary engines, boilers, machinery, wind-mills, water tanks, water privileges and appliances,—in fact the entire property of the Company on the said section of the road, except the old iron rails and fastenings thereof in the main line track, and ballast-pit sidings between Rivière du Loup and Chaudière Junction, and excepting the cordwood, small stores, station furniture, section-men's tools, hand-cars and rolling stock ; excepting also the new sleepers and new fencing materials delivered along the line.

3. That the old iron rails and fastenings thereof, excepted, as above mentioned, from the said purchase and sale, shall be delivered by the Government to the Company on cars (to be furnished by the Company) along the line, as the same are taken up, which cars shall be taken by the Government from Chaudière Junction and back thereto, and at that place delivered to the Company, free of charge, within eighteen months from the date of transfer of the road, and that, failing delivery, as aforesaid, within the time above specified, the Company shall be allowed and paid by the Government, interest at the rate of six per cent. per annum upon the value of the said materials, at the then marketable value, which value is to be mutually agreed upon, or, in default of agreement, settled by arbitration, as hereinafter provided, for such length of time as may elapse between the time specified for delivery and the time that the actual delivery takes place; the whole, however, to be delivered by the Government to the Company within two years from the date of the transfer of the said Road.

4. That the Government shall pay to the Company for the said Road and property so sold the sum of one million five hundred thousand dollars, and that such purchase money shall be paid in the terms of the Act above in part recited, and the sum so to be paid, or so much thereof as may remain unpaid, shall bear interest at the rate of six per cent. per annum from the date of the transfer of the Road to the Government ; but should the Government at any time notify the Company of their readiness to pay over the said purchase money, or any portion thereof, and the Company not be ready to accept the same, and apply it in accordance with the terms of the said herein partly-recited Act, then and in that case. the amount unpaid shall be placed in the Bank of Montreal, subject to the order of the Government,

but for the purposes set forth in this agreement, and the Company shall only be entitled to such interest thereon as the Bank may be willing to allow upon the sum so deposited.

5. That amongst the purposes which the Government consider will promote the interests of the Dominion, is the extension, either by the building or purchase of an independent line, or by such other arrangements of a permanent character with other companies as will secure free access to and from Chicago, in the State of Illinois, for the through traffic of the Company. And the Minister of Railways and Canals, may, by authority of the Governor in Council, make advances to the Company from the sum agreed to be paid for the said line, at such times, and in such amounts, as, in his opinion, may be necessary to enable the Company to complete the arrangements contemplated in this section.

6. That the Government will take over the Road immediately upon the same being duly conveyed to the Government.

7. That the Government will take over, at a fair valuation, all such hand-cars, section-men's tools, and office furniture, as they may require for the working of the Road; such valuation to be mutually agreed upon, or settled by arbitration, as hereinafter provided.

8. That they, the Government, will take over, at actual cost price, the new sleepers and fencing materials, and such of the small stores as they may consider serviceable.

9. That the Government will indemnify the Company against payments of all claims for taxes, land, land damages, and such like, springing into existence for the first time after the date of the transfer of the Road. The Company to indemnify the Government against payment of all similar claims having an existence before the date of transfer.

10. That the Company shall have the right, in perpetuity, to run their trains and engines, separately or combined, and as frequently and at such times as the character and extent of their traffic may require, under the reasonable rules and regulations of the Intercolonial Railway, and under the direction of the officials in charge thereof, between Chaudière Junction and the first bridge east of Hadlow Cove station ground; and to take up and deliver traffic at all places between these points, to and from their line, all free of charge.

11. That the Company are to be allowed, and they shall have the right under the reasonable rules and regulations of the Intercolonial Railway, to stable four engines in the Hadlow engine-house, and to have access for said engines to and from said engine-house, all free of charge; and the Company may require the Intercolonial Railway officials in their shops at Hadlow to make temporary repairs upon such engines, which repairs shall be done on request, with all reasonable despatch, and for these the Company shall pay the Govern-

ment the actual cost thereof, said cost to include a fair proportion of the salaries and wages paid to those making such repairs.

12. The Company shall keep their railway between the Chaudière Junction and Richmond, in the Province of Quebec, at all times in as good condition as their railway between Richmond and Portland, and the Government are to keep their railway between Chaudière Junction and Hadlow Bridge, aforesaid, in like good condition.

13. That the Government shall have the right, in perpetuity, and free of charge, to run their trains and engines, separately or combined, and as frequently and at such times as the character and extent of their traffic may require, under the reasonable rules and regulations of the Grand Trunk Railway Company, and under the direction of the officials thereof, between Hadlow and Point Lévis Station, to and from places between these points, in the yard at Point Lévis, and to and from and beyond that station. Also the right in perpetuity and free of charge to use the said Point Lévis station yard, and the tracks, sidings, platforms and appurtenances thereof. But all shunting and making up of trains in and about Point Lévis Station shall be done by the said Company and under the direction of their servants.

14. That should the Government at any time desire to establish a depôt at some point between Hadlow and Point Lévis, they shall have the right to connect such tracks as it may be necessary to construct to get to such depôt with the track or tracks of the Company anywhere between the places named, but such connection will be made without causing any injury to the Company's property, or any injurious obstruction to the working of the line of the said Company, and without entailing upon them any expense, either in construction or future working. And it is further agreed that should the Government establish a depôt or depôts at any such point or points, the Company shall be allowed the use of such depôt or depôts, and the tracks leading thereto, on the same terms as the Intercolonial Railway is allowed the use of the tracks and depôt of the Company under this agreement.

15. That the Government are to have the right to have the business of the Intercolonial Railway in freight and passenger done in and about the stations, wharves and premises of the Company, at Point Lévis and Quebec, respectively, including the booking of passengers and way-billing of freight, at such rates as the Superintendent of the Intercolonial Railway may, from time to time, supply, and also the use of the ferry arrangements of the Company; the whole to be done under the charge and supervision of the Company's servants, and the Government shall pay the Company for these services the actual cost thereof to the Company, such cost to include a fair proportion of the salaries and wages paid to those performing the services; also to include a fair proportion of the cost to the Company of cartage, and of the other

charges connected with the services in respect of which Intercolonial traffic forms part, including also a fair proportion of the rent of premises in Quebec, and the cost of ferriage and of the cost of shunting and making-up of trains, and of the cleaning of carriages, and all other charges proximately incidental to the same, but not to include any proportion of the cost to the Company of insurance, taxes, maintenance, repairs to the tracks, buildings, docks, wharves and other the property and appurtenances of the Company.

16. It is expressly agreed that the Company only undertake to supply accomodation for the business of the Intercolonial Railway in and upon their premises as they at present exist and in conjunction with the work of their own traffic, but the business of the one party is not to have precedence over the business of the other. Should, however, the wharves or buildings of the Company either at Point Lévis or Quebec, all or any of them, be at any time destroyed by fire, the Company is not to incur any liability to the Government in respect of accommodation which they may have to secure elsewhere during the reconstruction of such wharves or bnildings, but such reconstruction shall be proceeded with with all reasonable despatch.

17. That the Government and the Company, respectively, shall furnish the one to the other standing-room for cars and vehicles of all kinds in their sidings at Hadlow and Point Lévis respectively, to the extent to which they can do so without interruption to their own operations, but all shunting in and about the Hadlow station yard shall be done by the Intercolonial Railway and under the direction of the employees thereof, and the Grand Trunk Company shall pay to the Government for that service the actual cost thereof to the Government, such cost to include a fair proportion of the salaries and wages of those performing the work.

18. That in order to facilitate and to develop the business of the Intercolonial Railway and the Grand Trunk Railway, every effort shall be made to cause close and suitable train connections to be made at Chaudiére Junction, but the trains of neither party shall be unnecessarily delayed or impeded in passing over the railway between Chaudière Junction and Point Lévis ; and the connecting trains of the Company shall be run with due expedition between the Chaudière Junction and Montreal.

19. That the Company are to be allowed to remove all their rolling-stock, stationery, books and papers, and are to be given free haulage to Chaudière Junction of cordwood or property or material of any kind which may not be taken by the Government. This applies to other property than the iron rails and fastenings which the Government are to deliver as above provided at Chaudière Junction.

20. That the interchange of the traffic between the Company and the Intercolonial Railway, which may be made, shall be made at Chaudière Junction.

21. That through rates and fares shall be agreed upon and made, from time to time, for traffic to and from all points on the Intercolonial Railway, including the Rivière du Loup Road, and all points on the Company's Railway, including all lines leased by them, and such rates and fares shall, as regards traffic to and from all points on the Intercolonial between Moncton and Point Lévis, and to and from all points on the Grand Trunk Railway and leased lines, be divided on the basis of mileage, except where such division would act unfairly by reason of the one line of railway having a largely preponderating mileage, in which case the division of rates and fares shall be settled on a fair and equitable basis, by mutual agreement, and, in default of agreement, by arbitration, as hereinafter provided.

22. That in respect of all traffic to or from points between Moncton and St. John, and Moncton and Halifax, all inclusive, and places on the Grand Trunk Railway, (and lines leased by the Company) the proportion of such through rates and fares accruing to the Company shall not be more per ton per mile, and per passenger per mile, than the rates and fares respectively simultaneously charged by the Company (*viâ* any route) upon the same descriptions or classes of traffic carried to or from the same places on their lines and St. John and Halifax respectively. In ascertaining such rates of freight, all drawbacks or deductions of every kind allowed are to be taken off before fixing such rates.

23. That as regards traffic shipped to and from Europe and the British Isles through Halifax or St. John, per Intercolonial, the rates of the Company for the carriage of such traffic from or to Chaudière Junction shall not be higher per passenger per mile, or per ton of freight per mile, than the amount per passenger per mile, and per ton of freight per mile, charged by the Company on similar classes or descriptions of traffic carried by them for others to or from the same places, and intended for or coming from the same places in Europe and the British Isles. In ascertaining such rates of freight, all drawbacks or deductions ef every kind allowed are to be taken off before fixing said rates.

24. That the rates per passenger and per ton of freight per mile on east-bound traffic are not to govern the rates per passenger and per ton of freight per mile on west-bound traffic, nor the rates between any two or more places the rates between all places to and from which traffic may be carried under the terms of this agreement, but the true intent and meaning of this and the two preceding clauses are that the Company shall not discriminate in the matter of rates against the traffic of the Intercolonial Railway.

25. That the Company shall not be responsible for the acts or defaults of servants of the Government, or for the efficiency or otherwise of the Government's machinery and appliances, and the Government shall not be responsible for the acts or defaults of the servants of the Company or for the

efficiency or otherwise of the machinery and appliances of the Company.

26. That the forms of all through bills of lading, also the forms for receipts for goods passing over the whole or parts of the said lines, respectively, shall be such as shall, from time to time, be agreed upon by the officers of the parties hereto; or in default of agreement, settled by arbitration.

27. That in respect of traffic, whether passengers or freight of the Intercolonial Railway, carried across the river by ferry employed to do the business of the Company, the Company shall not incur any liability arising from the dangers of navigation, but will place the traffic of the Intercolonial Railway in every respect on as favorable a footing as their own business, and will be responsible to the Government for the due performance of the obligations and undertakings of the contractor for the ferry service.

28. The Company for, and in consideration of, the said sum of one million and five hundred thousand dollars, to be paid by the Government of Canada to the said Grand Trunk Railway Company of Canada, their successors and assigns, in the manner and at the times in the above-recited agreement mentioned, by these presents do grant, bargain, sell, assign, transfer and surrender to Her Majesty, Her heirs and successors, for the said the Dominion of Canada, the said portion of the said Company's line of Railway extending and as described above, together with all the property, rights, easements and privileges above mentioned, and as herein agreed to be given by the Company to the Government, reserving and stipulating for all the easements and rights in this agreement mentioned as those to be had, held and enjoyed by the Company over and upon, and in connection with, the said property so sold and surrendered as aforesaid.

To have and to hold the same unto and to the use of Her said Majesty, Her heirs and successors for the said Dominion of Canada for ever.

And the Grand Trunk Railway Company of Canada covenant with Her Majesty, that they have the right to convey the said property and every part thereof above sold and conveyed.

That they shall and will at any and at all times hereafter, make, do, and execute any and all such further and other deeds, documents and writings whatsoever, which Her Majesty, Her heirs and successors, may, from time to time, require for the better and further assuring and securing to Her Majesty, Her heirs and successors, the said property so sold, and every part thereof.

And it is also declared and agreed that these presents contain the agreement between Her Majesty and the said Government, made in pursuance of the said above in part recited Act, and show the terms and conditions of said sale and purchase.

29. That should any difference arise between the Government and the Company respecting the carrying out of any

clause of this agreement, such difference shall, from time to time, as the same may arise, be referred to the award and determination of three arbitrators, one to be nominated by the Government, one by the Company, and the third by the two so nominated. Provided always, that if either party should, for one month after notice from the other that they have nominated an arbitrator, omit or refuse to nominate an arbitrator, or if the two nominated should omit or refuse to nominate the third, then the Chief Justice of the Supreme Court of Canada (or, in his absence, the senior Puisne Judge present in Ottawa) may, on the application of either party, upon notice to the other, nominate the required arbitrator.

In case of the death, resignation or refusal to act of any arbitrator, or if for any other cause the office of any arbitrator becomes vacant, his successor shall be nominated in the same manner as such arbitrator was nominated, unless the parties otherwise agree; and in case such successor be not, within one month after the happening of the vacancy, nominated by the party entitled to nominate him, then the said Chief Justice, or, in his absence, the said senior Puisne Judge may, on the application of either party, nominate such successor. The arbitrators shall, within one month after the last appointment, proceed to determine the matters referred, and they, or a majority of them, shall make and publish their award in writing within one month after the closing of the hearing of the arbitration. Provided always, that any of the Judges of the Supreme Court of Canada may, on the application of either party, upon notice to the other, either before or after the expiration of such one month, or of any extended time, from time to time, extend the time for making such award. The award of the said arbitrators, or a majority of them, shall be final.

30. Nothing herein contained shall, in any way, merge or affect the claim and rights of the Government as they now exist against the Company and their property other than that which is the subject-matter of this agreement.

In witness whereof these presents (in quaduplicate) have been signed by the Honorable the Acting Minister of Railways and Canals, pursuant to Order in Council, and the seal of the said Department has been hereto affixed, and the Company have hereto fixed their corporate seal, and these presents have been signed by the General Manager, the day and year first above written.

In presence of . witness to the execution by the Grand Trunk Railway Company.

(Signed) R. WIGHT.

(Signed) The Grand Trunk Railway Company of Canada,
By J. HICKSON,
General Manager.
[Seal.]

Witness to execution by the Acting Minister of Railways and Canals and by the Acting Secretary.
(Signed) H. A. FISSIAULT.

J. H. POPE,
Acting Minister of Railways and Canals.
F. H. ENNIS,
Acting Secretary.
[Seal.]

81—3

No. 81.

2nd Session, 4th Parliament, 43 Victoria, 1880

BILL.

An Act to confirm the purchase by the Dominion of a portion of the Grand Trunk Railway, and the agreement made with the Grand Trunk Railway Company of Canada with respect thereto.

Received and read, first time, Monday, 22nd March, 1880.

Second reading, Tuesday, 23rd March, 1880.

Sir CHARLES TUPPER.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1880.

No. 82] **BILL.** [1880.

An Act to prevent Fraud in the Manufacture and Sale of Agricultural Fertilizers.

FOR the prevention of fraud in the manufacture and sale of agricultural fertilizers: Her Majesty, by and with the advice of and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

Certificate to be affixed to each package of such fertilizer, and what it must show.

1. Every person who sells or disposes of, or offers to sell, or to dispose of any agricultural fertilizer, by barter, exchange, or otherwise, shall affix to every barrel, sack, box, or package thereof, in a conspicuous place on the outside thereof, a plainly written or printed certificate bearing a name or trade-mark by which such fertilizer may be known and designated, and specifying the name and residence of the manufacturer or vendor, and the date of the manufacture of such fertilizer; the said certificate shall also specify the percentages which such fertilizer contains of phosphoric acid soluble in water, of total phosphoric acid, of potash, of nitrogen soluble in water, and of total nitrogen or the equivalent ammonia, subject to the exceptions hereinafter made.

Penalty and forfeiture for non-compliance with the foregoing requirements.

2. For failing to affix to any such barrel, sack, box, or package of fertilizer the certificate herein before required, the person so in default shall incur a penalty of *one hundred dollars*, and for affixing a false certificate to any barrel, sack, box, or package of fertilizer, the person selling or disposing as aforesaid of such barrel, sack, box, or package, shall forfeit to the purchaser thereof the sum of *two hundred dollars*.

Proviso: minute error not to make certificate false.

3. Provided always, that whenever a correct chemical analysis of any agricultural fertilizer sold or disposed of does not show a deficiency of more than one-fourth of one per cent. of any one of the chemical substances the percentages whereof are specified in the certificate herein before required, such certificate shall not be deemed false within the meaning of this Act.

How the penalty and forfeiture may be recovered and applied.

4. The penalty mentioned in the second section of this Act, shall be recoverable with costs by any person who will sue for the same, for his own use, and the forfeiture mentioned in the said section shall be recoverable by the purchaser for his own use, and such penalty or forfeiture may be so recovered by civil action in any form allowed by the law of the Province in which the suit is brought, before any court having jurisdistion in cases of simple contract to

the amount of such penalty or forfeiture, on the evidence of one credible witness other than the plaintiff.

What the expression "agricultural fertilizer" means and includes.

Exceptions.

5. The expression "agricultural fertilizer" used in this Act, shall be construed to mean any and every substance imported, manufactured, prepared or disposed of for fertilizing or manuring purposes, except that the provisions of this Act shall not apply to marl, or to fertilizers sold or disposed of at one-half cent or less per pound, nor to any guano the chemical composition of which has not been changed by the vendor or any other person since its importation, nor to plaster of Paris, nor to any fertilizer not offered for sale as containing phosphoric acid, potash or nitrogen.

Commencement of Act.

6. This Act shall come into force on the eighteen hundred and eighty.

No 82.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to prevent Fraud in the Manufacture and Sale of Agricultural Fertilizers.

Received and read, first time, Monday, 22nd March, 1880.

Second reading, Tuesday, 23rd March, 1880.

Mr. Landry.

OTTAWA:

Printed by MacLean, Roger & Co.

1880.

No. 83] **BILL.** [1880.

An Act further to amend the Act respecting Cruelty to Animals.

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

1. The Act made and passed in the thirty-third year of Her Majesty's reign, chaptered twenty-nine, and intituled "*An Act to amend an Act respecting cruelty to animals*" is hereby repealed, except only as respects offences committed before the passing of this Act, as to which it shall remain in force. Act 33 V., c. 29, repealed. Exception.

2. The first section of the Act made and passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered twenty-seven, and intituled "*An Act respecting cruelty to animals*," is hereby repealed, and the following section substituted therefor :— Sect. 1 of 32, 33 V., c. 27, repealed.

"1. Whosoever wantonly, cruelly or unnecessarily, beats, binds, illtreats, abuses or tortures any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, pig, or other cattle, or any poultry, or any dog or domestic animal, or bird, or whosoever driving any cattle or other animal is, by negligence or ill usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal, and any person, who in any manner encourages, aids or assists at the fighting or baiting of any bull, bear, badger, dog, cock or other kind of animal, whether of domestic or wild nature, shall, upon being convicted, on summary conviction, of any or either of the said offences, before any one Justice of the Peace for the district, county or place, in which the offence has been committed, for every such offence, be punished by imprisonment in any gaol or place of confinement other than a penitentiary, for a term not exceeding twelve months, and with or without hard labor, or by a fine not exceeding *one hundred dollars*, or by both, such fine and imprisonment being in the discretion of the convicting *Justice*." New section substituted. How cruelty to animals shall be punishable.

3. The second section of the Act last above cited is hereby repealed, and the following section substituted therefor :— Section 2 repealed.

"2. Whosoever builds, makes, maintains or keeps a cock-pit on premises belonging to or occupied by him, or allows a cock-pit to be built, made, maintained, or kept on premises belonging to or occupied by him, shall, upon being convicted New section substituted.

thereof before any one Justice of the Peace for the district, county or place where the offence has been committed, be punished by imprisonment in any gaol or place of confinement other than a penitentiary, for a term not exceeding twelve months, and with or without hard labor, or by a fine not exceeding *one hundred dollars*, or by both, such fine and imprisonment being in the discretion of the convicting Justice; and all cocks found in any such cock-pit, or on the premises wherein such cock-pit may be, shall be confiscated and sold for the benefit of the municipality in which such cock-pit is situated."

Punishment for cock-fighting or having cock-pit.

Forfeiture.

No. 83.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL

An Act further to amend the Act respecting Cruelty to Animals.

Received and read the first time, Wednesday, 24th March, 1880.

Second reading, Tuesday, 30th March, 1880.

Mr. McDONALD,
(Pictou.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 84.] **BILL.** [1880.

An Act to amend "The General Inspection Act, 1874," and the Act amending it.

IN amendment of "*The General Inspection Act*, 1874," and the Act amending it, passed in the thirty-ninth year of her Majesty's reign, and chaptered thirty-three: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble. Acts 37 V., c. 45 and 39 V., c. 33.

1. The sixth section of the Act first above cited is hereby amended by striking out the word "Governor" in the fourth line, and inserting in lieu thereof the words "Minister of Inland Revenue." Sect. 6 of 37 V., c. 45.

2. The sixty-fifth section of the said Act first above cited is hereby amended by inserting after the word "pickled" in the first line thereof, the words "and smoked." Sect. 65 of 37 V., c. 45.

3. The sixty-eighth section of the Act first above cited is hereby amended by inserting after sub-section eight the following paragraphs :— Sect. 68 of 37 V., c. 45.

(*a*) For each box of smoked herrings, two cents ;

(*b*) For each half box of smoked herrings, one cent ;

(*c*) For each quarter box of smoked herrings one half cent.

4. The section substituted for the ninety-seventh section of the Act first above cited by the said Act passed in the thirty-ninth year of Her Majesty's reign, chapter thirty-three, is hereby amended by striking out the words "eight pounds" and inserting in lieu thereof the words "six pounds." Sect. 97 of 37 V., c. 45 as amended by 39 V., c. 33.

No. 84.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend "The General Inspection Act, 1874," and the Act amending it.

Received and read, first time, Tuesday, 30th March, 1880.

Second reading, Wednesday, 31st March, 1880.

Hon. Mr. BABY.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.

1880.

No. 85.] **BILL.** [1879.

An Act for the amendment of the Law of Evidence in certain cases of misdemeanor.

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

1. On the trial of any indictment or in any other criminal proceeding for the non-repair of any public highway or bridge, or for a nuisance to any public highway, river, or bridge, every defendant to such indictment or proceeding, and the wife or husband of any such defendant, shall be admissible witnesses and compellable to give evidence. Defendant or wife may be witnesses in certain cases.

No. 85.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act for the amendment of the Law of Evidence in certain cases of misdemeanor.

Received and read, first time, Wednesday, 31st March, 1880.

Second reading, Thursday, 1st April, 1880.

Mr. KIRKPATRICK.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 86.] **BILL.** [1880

An Act to repeal Chapter 40 of 42 Victoria, intituled "An Act to amend the Maritime Jurisdiction Act, 1877."

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

1. The Act passed in the forty-second year of Her Majesty's reign, chapter 40, intituled "*An Act to amend the Maritime Jurisdiction Act*, 1877," is hereby repealed. Act 42 V., c. 42, repealed.

No. 86.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to repeal chapter 40 of 42 Victoria, intituled "An Act to amend the Maritime Jurisdiction Act, 1877."

Received and read, first time, Thursday, 1st April, 1880.

Second reading, Friday, 2nd April, 1880.

Mr. PATERSON,
(Essex.)

OTTAWA.

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 87.] **BILL.** [1889.

An Act to amend chapter thirty-two of the Acts of 33 Victoria (1870) entitled: "An Act to empower the Police Court in the City of Halifax to sentence Juvenile Offenders to be detained in the Halifax Industrial School."

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

1. Every person who commits any of the following offences, that is to say: Punishment for certain offences.

First.—Knowingly assists, directly or indirectly, any offender detained under sentence in the Halifax Industrial School, to escape from the School; Assisting escape from the school.

Second.—Directly or indirectly induces such an offender to escape from the School; Inducing escape

Third.—Knowingly harbours, conceals or prevents from returning to the School, or assists in harbouring, concealing or preventing from returning to the School, any offender who has escaped therefrom, shall, on summary conviction before the Police Court or Stipendiary Magistrate, be liable to a penalty not exceeding *eighty dollars*, or at the discretion of the Police Court or Stipendiary Magistrate, to be imprisoned for any term not exceeding two months, with or without hard labour. Harbouring offenders, or preventing return to school. Punishment.

No. 87.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend chapter 32 of the Acts of 33 Victoria (1870) entitled "An Act to empower the Police Court in the city of Halifax to sentence Juvenile Offenders to be detained in the Halifax Industrial School."

Received and read, first time, Thursday, 1st April, 1880.

Second reading, Friday, 2nd April, 1880.

Mr. RICHEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 89.] **BILL.** [1880.

An Act to provide for the equitable distribution of the estates of defaulting Debtors.

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

Effect of a writ of execution. **1.** So soon as a writ of execution for any sum over one hundred dollars shall have been issued, it shall hold all the property, real and personal, subject to execution, of the party or parties against whom it was issued, and shall constitute the said party or parties an insolvent or insolvents.

Property seized held for all creditors. **2.** Property seized under an execution for any sum as aforesaid, shall be held for the benefit equally of all the creditors of the party or parties whose property has been so seized.

Notice to the party against whom the writ issues. **3.** Within five days from the receipt of a writ of execution for any sum as aforesaid, the Sheriff or other officer charged with the execution of the writ, shall either personally or by writing, notify the party or parties against whom such writ has been issued, that the writ is in his possession.

Such party to fyle with the Sheriff a list of all his liabilities. **4.** Within ten days after being notified of the issuance of such writ, the party or parties so notified shall leave with the Sheriff or other officer in whose possession the said writ is, a statement under oath of all his, her or their liabilities, whether due or becoming due, with the name or names and residence or residences of the party or parties to whom any of the said liabilities are either due or becoming due.

Sheriff to notify the creditors on such list. **5.** Within five days after the filing of any statement of liabilities as aforesaid. the officer with whom the said statement has been filed shall post, or cause to be posted, to each of the parties named in such statement, a written or printed notice in the form hereinafter provided, stating that unless forbidden so to do within one month from the date of such notice by one or more of the creditors of the party or parties named in the notice, he will proceed to advertise and sell by public auction the property of the party or parties named in said notice.

Sheriff to call a meeting of creditors at the request of any one or more of them; and for what purpose.

6. At the request in writing of one or more of the creditors of any debtor or debtors against whom a writ of execution has been issued, the officer holding such writ shall, by notice in writing addressed and posted to each creditor, call a meeting of the creditors of the said debtor or debtors to be held at a placed named in such notice, after one month and within three months from the date of the said notice; the creditors at the said meeting to determine what disposition shall be made of the property of the debtor or debtors of whom they are the creditors: Provided always, that no disposition contrary to the provisions of this Act shall be made of the property of any debtor.

Proviso.

When only the property may be sold.

7. No sale of the property of any debtor shall be made by any officer of the law, unless such sale shall have been authorized in writing by creditors representing at least two-thirds of the value of all the claims against such debtor.

Oath to be taken by a creditor before voting at meeting.

8. No creditor shall be allowed to rank upon the estate of any debtor or to vote at any meeting of the creditors of any debtor, until such creditor shall have filed with the party in charge of the estate a statement under oath that the claim made by the said creditor upon the said estate is for no greater sum than the sum actually due or becoming due by the said debtor to the said creditor, and that the said creditor holds no security for the said debt or for any position of the same

How far the sale shall discharge the debtor.

9. The sale by an officer of the law of the property of any debtor shall be a full discharge of the debtor whose property has been so sold, from all liability for the debt or debts for which the said property was sold.

Condition precedent to sale: bond by creditors in certain case.

10. No estate which, at the valuation made by the owner or owners, shows assets equal to or greater than the liabilities against it, shall be taken out of the possession of the said owner or owners, unless the creditors of the estate shall enter into bonds to pay over to the said owner or owners, any sum that from the sale of the said estate may be realized and remaining over after paying seventy-five per cent. of all claims against the said estate.

Sale after bond given.

11. After giving a bond as aforesaid the creditors of any estate may order its sale either by private bargain at a price to be assented to by the former owner or owners of the estate, or by public auction, without the consent of the said former owner or owners.

Liability of debtor whose statement shows a surplus of assets.

12. No debtor whose statement of liabilities submitted to creditors shows assets equal to or greater than liabilities, and who has not been dispossessed of his or her estate, shall be relieved of any liability on account of the said estate, but may be found guilty of a misdemeanour, if at the end of three years seventy-five per cent. of all the claims shown in the said statement of the said debtor have not been paid:

Proviso as to costs.

Provided always, that all the costs and fees which the said debtor may have by law been compelled to pay shall be included in the aforesaid seventy-five per cent.

Case of debtor whose time for payment has been extended, provided for.

13. Unless agreed to by the debtor and a majority of the creditors of the debtor, every debtor whose time for payment shall under the authority of this Act have been extended, shall make quarterly payments of not less than ten per cent. each, until the whole of the liabilities of the said debtor are fully *liquidated;* and the first of such quarterly payments shall be made at the end of three months after the date at which the extension of time was granted.

Debtor making false statement or evadeing the law, to be guilty of misdemeanour.

14. Any debtor who files or causes to be filed with the Sheriff or other officer under this Act entitled to receive the same, a false statement of liabilities, or who refuses or neglects to attend, with a full statement of his or her assets and liabilities, any meeting of the creditors, or who, after being served with a notice of the issuance of a writ of execution for one hundred dollars or over, pays or causes to be paid any sum on account of, or in full payment of any debt, either due or becoming due, or who after having under this Act received an extension of time, pays or causes to be paid any one creditor faster or in a greater *ratio* than the other creditors of the said debtor are paid, or who secretly or otherwise fraudulently or wrongfully disposes of any property to prevent its seizure under an execution, or who, when contracting a debt, shall in writing have falsely represented the state of his or her affairs, shall be guilty of a misdemeanour.

And any creditor making a false claim.

15. Any creditor who makes a false statement of any claim against the estate of any defaulting debtor shall be guilty of a misdemeanour.

As to mortgage, &c., given after a debt is contracted.

16. No mortgage or other security given by any debtor to secure a debt contracted more than five days before the giving of the said mortgage or other security, while other debts contracted prior to the giving of such mortgage or other security are remaining unpaid, shall be valid as against the claims of the other creditors of the debtor by whom the said mortgage or other security was given.

Sheriff's fees on notices given and posted.

17. For every written or printed notice, posted under the authority of this Act, the Sheriff or other officer giving and posting such notice shall be entitled to receive the sum of *fifty cents* for the first of the said notices, and *ten cents* for each subsequent notice.

And for attending first meeting of creditors.

18. For attending the first meeting of the creditors of any debtor, called under the authority of this Act, the Sheriff or other officer calling and attending the said meeting shall receive the sum of *five dollars* where the estate does not exceed in value the sum of one thousand dollars, and *ten dollars* where the estate is valued at more than one thousand dollars.

As to costs of management.

19. All costs of management of the estate of any defaulting debtor, after the first meeting of the creditors of the said debtor, shall be a matter of agreement between the said creditors and the party put in charge of the estate.

Punishment for misdemeanour under this Act.

20. Any person found guilty before any court of competent jurisdiction of any act which, under this Act, is constituted a misdemeanour, shall be punishable by imprisonment in a common gaol for a period of not less than one month or more than one year.

Commencement of Act.

21. This Act shall come into force on the 1st day of July, 1880.

SCHEDULE.

FORM OF NOTICE TO CREDITORS.

Take notice, that a writ of execution for has been issued against and unless I am forbidden in writing by one or more of the creditors of the said I will, within one month from the date of this notice, proceed to advertise and sell, by public auction, the property, real and personal, subject to execution of the said .

No. 89.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to provide for the equitable distribution of the estates of defaulting Debtors.

Received and read, first time, Friday, 2nd April, 1880.

Second reading, Monday, 5th April, 1880.

Mr. WALLACE,
(Norfolk.)

OTTAWA.

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 93.] **BILL.** [1880.

An Act to prevent and punish wrongs to Children.

WHEREAS it is expedient to grant protection to children and to prevent juvenile crime: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. No person having the care, custody or control of any child under the age of sixteen years shall exhibit, use, or employ, or in any manner, or under any pretence, sell, apprentice, give away, let out, or otherwise dispose of any such child to any person, in and for the vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as a gymnast, contortionist, rider, or acrobat, in any place whatsoever; or for or in any obscene, indecent or immoral purpose, exhibition or practice whatsoever; or for or in any business, exhibition or vocation injurious to the health or dangerous to the life or limb of such child; or shall cause, procure, or encourage any such child to engage therein. Nothing in this section contained shall apply to or effect the employment or use of any such child as a singer or musician in any church, school or academy, or the teaching or learning the science or practice of music, nor the employment of any child as a musician at any concert or entertainment, on the written consent of the mayor of the city or town, or the warden of the village where such entertainment shall take place. Persons having the care of children not to allow them to be employed for exhibitions of a dangerous or immoral kind. Exception as to music.

2. No person shall take, receive, hire, employ, use, exhibit, or have in custody any child under the age, and for any of the purposes mentioned in the first section of this Act. No one to employ them contrary to section 1.

3. When upon examination before any court or magistrate it appears that any child within the age previously mentioned in this Act was engaged, or used for, or in any business, or exhibition or vocation, or purpose specified, and as mentioned in this Act; and when, upon the conviction of any person of a criminal assault upon a child in his or her custody, the court or magistrate before whom such conviction is had, deems it desirable for the welfare of such child that the person so convicted should be deprived of its custody thereafter, such court or magistrate may commit such child to an orphan asylum, charitable or other institution, or make such other disposition thereof as now is or hereafter may be provided by law in cases of vagrant, truant, disorderly, pauper or destitute children. Prosecution and punishment of offender against this Act. Disposal of child in such case.

Offence of endangering child's life or health.

4. Whoever being a parent or having the care or custody of any child, shall wilfully cause or permit the life of such child to be endangered, or the health of such child to be injured, or who shall wilfully cause or permit such child to be placed in such a situation that its life may be endangered, or its health shall be likely to be injured, shall be guilty of an offence against this Act.

Application of fines and forfeitures under this Act, &c.

5. All fines, penalties and forfeitures imposed and collected under the provisions of this and of every Act passed, or which may be passed, relating to or affecting children, in every case where the prosecution shall be instituted or conducted by a society incorporated for the prevention of cruelty to animals or the prevention of cruelty to children, shall, except where otherwise provided, enure to such society in aid of the purposes for which it was incorporated.

Secs. 25, 26, of 32, 33 V., c. 20, not affected.

6. Nothing herein contained shall be construed as affecting the punishment of offences under sections twenty-five and twenty-six of chapter twenty of the Acts of the Parliament of the Dominion of Canada, passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign.

Minors under sixteen years not to be allowed in saloons and like places.

7. No minor under the age of sixteen years shall be admitted at any time to, or permitted to remain in, any saloon or place of entertainment where any spirituous liquors or wines, or intoxicating or malt liquors are sold, exchanged or given away, or at places of amusement known as dance houses, dancing classes or clubs and concert saloons, unless accompanied by his or her parent or guardian. No proprietor, keeper or manager of any such place shall admit such minor to, or permit him or her to remain in, any such place unless accompanied by such parent or guardian. Provided that, in the case of dancing classes only, the written permission of the parent or guardian shall be sufficient authority for the proprietor, keeper, or manager to allow or permit the attendance of such minor.

Proviso as to dancing classes.

Abettors punishable as principal offenders.

8 Every person who aids, abets, counsels or procures the commission of any offence under this Act, shall be liable to be proceeded against and convicted for the same, either together with the principal offender or before or after his conviction, and shall be liable on conviction to the same forfeiture and punishment as the principal offender, and may be proceeded against and convicted either in the territorial division or place where the principal offender may be convicted, or in that in which the offence of aiding, abetting, counselling, or procuring, was committed.

Penalties for offences against this Act.

9. Any person convicted of any offence against any of the sections of this Act, before any one Justice of the Peace for the district, county, or place in which the offence has been committed, shall for every such offence, forfeit and pay (over and above the amount of the damage or injury, if any, done thereby, which damage or injury shall and may be ascer-

tained and awarded by such Justice) such a sum of money not exceeding one hundred dollars, nor less than *twenty dollars*, with full costs, as to such Justice seems fit.

Imprisonment if not paid.

10. The offender shall, in default of payment, be committed to the common gaol or other place of confinement, for the district, county, or place in which the offence was committed, there to be imprisoned for any time not exceeding ninety days, nor less than thirty days.

Offences to be punished as misdemeanors or under 32, 33 V., c. 31.

11. Every offence against any of the sections of this Act is a misdemeanor and may be punished, as such or may be prosecuted in the manner directed by the "*Act respecting the duties of Justices of the Peace out of sessions, in relation to summary convictions and orders*," so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution, and all the provisions contained in the said Act shall be applicable to such prosecution, in the same manner as if they were incorporated in this Act.

Commencement of Act.

12. This Act shall commence and take effect immediately.

No. 93.

2nd Session, 4th Parliament, 43 Victoria, 1880

BILL.

An Act to prevent and punish wrongs to Children.

Received and read, first time, Monday, 5th April, 1880.

Second reading, Tuesday, 6th April, 1880.

Mr. RICHEY.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.

1880.

No. 94.] **BILL.** [1880.

An Act for the final settlement of claims to lands in Manitoba by occupancy, under the Act thirty-third Victoria, chapter three.

Preamble. 38 V., c. 52. 37 V., c. 20.

WHEREAS by the section substituted by the Act thirty-eighth Victoria, chapter fifty-two, intituled: "*An Act to amend an Act respecting the appropriation of certain lands in Manitoba*," for the third section of the Act thirty-seventh Victoria, chapter twenty, intituled: "*An Act respecting the appropriation of certain Dominion lands in Manitoba*," in order to afford further facilities to parties claiming lands in the Province of Manitoba under the third and fourth sub-sections of the thirty-second section of the Act thirty-third Victoria, chapter three, to obtain Letters Patent for the same, it is enacted "that persons satisfactorily establishing undisturbed occupancy of any lands within the Province prior to, and being by themselves or their servants, tenants or agents, or those through whom they claim, in actual peaceable possession thereof, on the fifteenth day of July, one thousand eight hundred and seventy, shall be entitled to receive Letters Patent therefor granting the same absolutely to them respectively in fee simple;" and whereas, it is expedient to limit the time within which claims for such Letters Patent shall be made, and to make provision for the removal of persons unlawfully occupying any of the said lands after the time hereinafter limited for making such claims: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Claims under sub.-secs. 3 and 4 of 33 V., c. 3 to be barred if not made before the first day of May, 1882.

1. From and after the first day of May, which will be in the year of our Lord, one thousand eight hundred and eighty-two, all and every the rights and claims given by the said third and fourth sub-sections of the thirty-second section of the said Act thirty-third Victoria, chapter three, or by any Act amending or referring to the same, shall, in so far as respects rights to claims for grants from the Crown with respect to which application shall not have been made to the Department of the Interior before the day last aforesaid, cease and determine on or after the said day.

Or if made before the said day and not proved to the satisfaction of Minister before the end of six months thereafter.

Proviso.

2. And, except as hereinafter provided, all such claims made before the said first day of May, in the year of our Lord, one thousand eight hundred and eighty-two, but which the claimant or claimants shall not before the expiration of six months after the said day have established to the satisfaction of the Minister of the Interior, shall be barred as fully and effectually as if such claims had not been made: Provided always, that nothing in this section shall apply to claims

Proviso as to claims referred under 38 V., c. 53.

made before the said first day of May, one thousand eight hundred and eighty-two, and which before the expiration of six months thereafter may have been referred to the Commissioner or Commissioners under the Act thirty-eighth Victoria, (1875) chapter fifty-three, entituled "*An Act respecting conflicting claims to lands of occupants in Manitoba.*"

Proclamation of warning to be issued.

3. And to the end and intent that all persons having or intending to prefer any such claims as aforesaid may be fully apprised of the provisions of this Act, the Governor in Council may cause proclamation of this Act to be made.

No. 94.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act for the final settlement of claims to lands in Manitoba by occupancy, under the Act thirty-three Victoria, chapter three.

Received and read, first time, Tuesday, 6th April, 1880.

Second reading, Wednesday, 7th April, 1880.

Rt. Hon. Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 97. **BILL.** [1880.

An Act to provide for the winding up of Insolvent Banks and Insurance Companies.

Prramble.

WHEREAS it is expedient to make provision for the winding up of insolvent Banks and Insurance Companies: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

What shall constitute a Bank insolvent.

1. The suspension by an incorporated bank of payment in specie or Dominion notes, of its liabilities generally as they become due, shall, if it continues for ninety days, constitute the bank insolvent, and operate a forfeiture of its charter, so far as regards the issue or re-issue of notes and other banking business: And the charter shall thereafter remain in force only for the purpose of enabling the directors or the liquidators, if any be appointed, to make calls upon its shareholders, and wind up its business.

What shall constitute an Insurance Company insolvent.

2. The default by an insurance company to pay any undisputed claim arising, or loss insured against, for the space of sixty days after its becoming due and payable; or, if disputed, for sixty days after final judgment and tender of a valid discharge; and, in either case, if the company be licensed under the Act respecting insurance, after notice served on the Minister of Finance, as provided by the sixteenth section of "*An Act respecting Insurance*," passed in the thirty-eighth year of Her Majesty's reign, and chaptered twenty; shall constitute the company insolvent, and shall operate a forfeiture of its charter, except for the purpose of enabling the directors or the liquidators, if any be appointed, to make calls upon its shareholders and wind up its business.

Creditor for $200 or over may apply for a writ of attachment.

3. If a bank or company becomes insolvent within the meaning of this Act, any creditor thereof for a debt of not less than two hundred dollars, over and above the value of any security which he holds for the same, may make application to the Judge for a writ of attachment against such bank or company; first giving the debtor forty-eight hours notice of such application, accompanied by copies of any affidavits to be fyled in support thereof; and thereupon, if such creditor shall establish, to the satisfaction of the Judge, that such bank or company is insolvent, within the meaning of this Act, and that it is indebted to him as aforesaid, he shall be entitled to a writ of attachment (Form A) against the estate and effects of such bank or company, addressed to the Sheriff of the county or district in which such writ shall

After notice.

Issue and form of writ.

issue; unless the Judge shall suspend the issue of such writ of attachment as hereinafter provided.

Judge may, for cause, adjourn the proceedings.

4. If the bank or company, upon such application, opposes the issue of a writ of attachment on the ground that it has not become insolvent within the meaning of this Act, or that its suspension or default was only temporary, and was not caused by any deficiency in its assets, and shows reasonable cause for believing that such opposition is well founded, the judge, in his discretion, may from time to time adjourn the proceedings upon such application for a time not exceeding six months from the time at which the bank or company is alleged to have become insolvent; and he may, before granting a writ of attachment, order an accountant, or other person whom he may name, to enquire into the affairs of the bank or company, and to report thereon within a period not exceeding thirty days from the date of such order.

And order inquiry and report.

Duty of bank or company on such order,

5. Upon the service of such order it shall be the duty of such bank or company, and of the president, directors, managers and employees thereof, and of every other person having possession or knowledge of any asset book or record thereof, to exhibit to the accountant or other person so named as aforesaid, the books of account of the bank or company, together with all inventories, papers and vouchers referring to the business of the bank or company, or of any person therewith; and generally to give all such information as may be required by such accountant or other person as aforesaid, in order to form a just estimate of the affairs of the bank or company; and any refusal on the part of the president, directors, managers or employees of the company to give such information, shall, be a contempt of the Judge, and shall be punishable by fine or imprisonment, or by both, at the discretion of the Judge

Penalty for neglect to obey it.

After service of notice property of bank or company to be held in trust for the purposes of this Act.

6. From the date of the service of notice upon the bank or company, until the appointment of liquidators as hereinafter provided, and the delivery of the entire estate and effects thereof to such liquidators, the president, directors, managers and employees thereof, and all other persons having the control or possession of its affairs or property, shall hold the estate and property of such bank or company upon trust for its creditors and shareholders, and shall be bound to account to such liquidators for all the property of such bank or company under the same obligations, liabilities and responsibilities as trustees appointed by Courts of law or equity in the several provinces, or as guardians and sequestrators in the Province of Quebec, are bound.

Judge on receiving the report may grant or refuse the writ.

7. Upon receiving the report of the person ordered to enquire into the affairs of the bank or Company, and after hearing such persons, being shareholders or creditors of the bank or company as shall desire to be heard thereon, at such time as he shall fix for the purpose, the Judge shall, in his discretion, either refuse the application for a writ of attachment or order the issue of such writ without further delay.

8. Upon receipt of such writ, the Sheriff shall immediately serve a copy thereof upon such bank or company, and immediately upon such service the transfer books of the bank or company shall be closed; and all its ordinary business suspended, except the reception of the payment of debts due to it And the president and directors thereof, and each and every official thereof, without any notice or order to that effect being necessary, shall proceed to make from the books of such bank or company, true and correct lists in triplicate, according to such books, of the creditors thereof, and of the shareholders thereof who have paid up all calls due on the shares held by them, with the amount of the unsecured claims of such creditors, or the number of shares of stock held by such shareholders, as the case may be; and in the case of a bank, shall add to such list a statement of the amount of its bills in circulation, and in the case of an insurance company, a statement of the amount of policies then outstanding, and of the names of the holders thereof; and upon such lists and statements being made, they shall be verified by the oath of the accountant, clerk, or other official, who shall have made the same, and by the certificate of the president, general manager, or cashier; who shall state in such certificate, to the best of his knowledge and belief, whether such lists and statements are correct or not, and if incorrect, in what respects. And it shall be the duty of the Sheriff to call upon the president and directors and employees of the bank to proceed diligently with such lists and statements, and if the president or any director or any employee of the bank or company refuses or neglects to perform any act, function or duty incumbent upon him, according to his position in such bank or company, in furtherance with due diligence of the preparation and verification of such lists and statements, he shall be held to be guilty of a contempt and shall be punishable accordingly by the Judge, upon summary petition by the Sheriff. And if such neglect or default occurs on the part of any accountant, teller, clerk, or other like official of the bank or company, the Sheriff shall have the right of dismissing him and of appointing another to his situation or office, at the same salary, for the purpose of performing his duty. And he shall also have the right of dismissing, and it shall be his duty to dismiss, any of the tellers, clerks, or like officials, whose services are unnecessary for the said purposes, subject always to reasonable compensation for the premature termination of their engagements, to be fixed by the liquidators and approved or altered by the Judge.

Duty and power of the sheriff on receiving the writ.

And of the President, directors and employees of the bank or company.

Sheriff to require them to proceed with due diligence.

Power of sheriff in case of neglect by accountant, or employee.

9. Immediately after the service of such writ of attachment the sheriff shall return the same with his certificate of service thereon; and thereupon the creditor suing out such writ may apply for and obtain from the judge an order calling a meeting of the creditors of the corporation to be held before him at a time and place to be fixed by such order, and also an order calling a meeting of the shareholders of such corporation on a day previous to the day of the creditors' meeting, at any place of business of such corporation within his jurisdiction. And if the creditor suing out

Sheriff's return to writ.

Judge's order for meeting of creditors, and of shareholders.

such writ does not make such application within three days from the return of such writ, and diligently continue the proceedings thereunder, any of the creditors of the corporation may intervene in the cause and continue the proceedings. And notice of such meeting of creditors and of such meeting of shareholders, respectively, shall be given by publication of such orders, respectively, for two weeks in the official *Gazette*, and for a like period in one newspaper published within the county or district wherein the proceedings are being carried on, except in the Province of Quebec, where such order shall be so published in one French and one English newspaper within such district. And the Sheriff shall also forthwith give notice by letter to the Minister of Finance of the Dominion, of the issue of such writ of attachment.

Notice of such meetings how given.

Notice to Minister of Finance.

10. At the meeting of shareholders called by such order the shareholders shall elect one of the liquidators of the estate and effects of the corporation, which election shall be carried on in the same manner as the election of directors of such corporation at annual meetings thereof, and a certificate of such election shall be made and signed by the person presiding at such meeting of shareholders, and by the person acting as secretary thereof, and by the scrutineers of the votes at such meeting if any be appointed, and if not, by two shareholders who were present thereat. And such certificate shall be authenticated by the President, or other chief acting executive officer of the corporation and by its seal. And such certificate shall be deposited with the sheriff previous to the time fixed for the first meeting of the creditors of the corporation.

Election of liquidators by shareholders.

Certificate of election.

Deposit with sheriff.

11. The Government of the Dominion may, by Order in Council, appoint a person to be one of the liquidators of the estate of the corporation, provided a duly certified copy of such Order in Council be forwarded to the sheriff and received by him previous to the time fixed for the first meeting of the creditors.

Government may appoint a liquidator.

12. The sheriff shall attend at the time and place fixed for the meeting of creditors, and shall produce before the judge at such meeting, all the lists and statements prepared by the officers of the corporation ; all the claims and vouchers filed with him ; any certificate of nomination of liquidators received from the shareholders of the corporation, and any copy of any Order in Council received from the Government of the Dominion.

Sheriff to attend meeting of creditors.

13. If the proceeding be against an insurance company, all persons holding policies of insurance issued by, or interim receipts, or other instruments representing insurances effected, with such company, shall be held to be creditors of such company. and the measure of the claim of those of such creditors as shall have sustained no loss by the risk insured against shall be, in the case of fire, marine, accident and guarantee policies or contracts, the balance of premium paid and remaining unearned at the time of the filing of such

Parties insured to be deemed creditors of an Insurance company, and how their claims shall be measured.

claim, or of the termination of the contract under the terms *hereof;* and in the case of life policies or contracts, the cost of re-insuring the outstanding risk in respect of such life over and above the stipulated premium. But the company shall not remain responsible under any contract of insurance after a claim has been filed for unearned premiums, nor after the risk insured against has been re-insured by the claimant, or by the liquidators under the provisions of this Act. And if the risk be not terminated under the foregoing provisions, within six months after the issue of the writ of attachment, then all contracts of insurance with the company shall terminate at the end of the said period of six months: Provided, however, that whenever the company, or the liquidators as representing the company, or the holder of a policy or contract of insurance in Canada, exercises any right which any of them may have to cancel the policy or contract, the holder thereof shall be a creditor for the sum which, under the terms of the policy or contract, is due to him on such cancellation.

Risk to be deemed terminated at the end of six months.

Proviso: as to policies cancelled.

14. At the first meeting of creditors called as hereinbefore provided, every creditor who shall have filed his claim under oath, accompanied by the vouchers therefor, either with the sheriff or before the judge, previous to the putting of the question for the nomination of a liquidator, shall have a right to nominate and vote for one liquidator of the estate and effects of the corporation. And if the majority in number and value of such creditors agree, their nominee shall be one of the liquidators of the estate. And if they disagree, the judge shall appoint the person having either the majority in number or in value to be such liquidator. And if any dispute arises at such meeting as to the right of any creditor to vote, or as to the amount for which he should be allowed to vote at such meeting, the judge shall then and there decide thereon in a summary manner, and without other evidence than the claim and vouchers produced, or the *viva voce* examination, in his discretion, of any person present at such meeting; and for the purpose of the nomination of a liquidator, such decision shall be final and shall not be disputed or appealed from.

Election of liquidator by majority of creditors in number and value.

Judge may appoint in case they disagree.

Right of voting how decided if disputed.

15. At the close of such meeting, the judge shall make an order appointing the liquidators of the estate, and he shall include in such appointment the creditors' liquidator nominated at such meeting, and the persons appointed as shareholders' liquidator and Government liquidator, as hereinbefore provided, or either of them, if no sufficient evidence of the appointment of the other has been returned before him. And if no Government or shareholders' liquidator appears by the return to have been appointed, then he shall appoint the creditors' liquidator as sole liquidator of the estate. But nothing herein contained shall prevent the judge, if he sees fit, from adjourning the making of his final order of appointment for any period not exceeding five days, to enable a return to be made of the appointment of a shareholders' liquidator or Government liquidator, if he has reason to believe that such appointment has been made.

Order of Judge appointing the liquidators.

Judge may adjourn the making of such order for cause.

Powers of the liquidators for winding up the estate.

16. The liquidator or liquidators so appointed shall have power to realize and wind up the assets and affairs of the corporation, and such liquidators shall appoint one of their number to be chairman; and they shall have all the administrative powers of directors, including the making of calls on unpaid or partially paid up shares, and, in case of a bank, the making of calls for the double liability of the shareholders thereof, save and except that no business shall be transacted by them other than such as shall be requisite for the winding up of the affairs of the corporation, in such manner as they, the said liquidators, shall, according to their discretion, adopt; and for realizing the assets of the corporation as speedily as possible without undue sacrifice; and out of the proceeds of such assets they shall pay all the liabilities of the corporation, first discharging all privileged claims thereon, the payment of ordinary liabilities to be so made by dividends which the liquidators shall declare from time to time, as they shall realise funds sufficient for a dividend; and after paying in full all such privileged claims and liabilities, and providing for the payment of any liabilities that have not been claimed, they shall proceed to divide the balance of the proceeds of the said assets among the shareholders of the corporation in manner and form hereinafter set forth.

Calls on shareholders in case of a bank.

Payment of liabilities by dividends.

Division of surplus after such payment.

Reserve during 5 years for meeting unpaid claims.

17. If any portion of the liabilities of the corporation, either consisting of ordinary indebtedness, or in the case of a bank, of unredeemed circulation, shall remain unpaid when the last dividend payable to the shareholders is declared, the amounts which have been reserved as provision for such liabilities shall be retained on deposit at interest in some chartered bank by the liquidators, in their names as such, until five years shall have elapsed from the incurring of ordinary liabilities; and thereupon, after one month's notice in the official *Gazette*, and in one newspaper published for a like period in the county or district where the proceedings are going on, and in Quebec in one newspaper published in French and another in English, for a like period, in the district wherein the proceedings are being carried on, of the intention of the liquidators to distribute the amount reserved as a provision for ordinary liabilities among the shareholders, any balance remaining unclaimed in respect of such provision shall be distributed accordingly with all the interest accrued thereon, and, in the case of a bank, the amount reserved as a provision for unredeemed circulation and for unpaid dividends shall be so retained on deposit for ten years after the appointment of liquidators, and thereupon, on such notice as aforesaid, shall be distributed as aforesaid.

Application of such reserve after notice if not claimed.

Longer reserve for unredeemed circulation in case of a bank.

Responsibility and indemnification of liquidators.

Removal of liquidator by authority appointing him.

18. Such liquidators shall be responsible each for his own acts and deeds only. They shall be indemnified out of the assets of the estate for all reasonable expenses incurred in the winding up thereof. Each liquidator shall be subject to removal and replacement by another person as liquidator from time to time without cause assigned by the authority by which he was originally nominated; the resolution by which any removal or new appointment, or

both, is effected, being first submitted to the Judge by some person named by the nominating authority for the purpose, and approved by the Judge by an order by him made to that effect. But if a vacancy occurs from any cause the remaining liquidators or liquidator shall continue the winding up of the estate with all the powers herein conferred upon any of them until such vacancy shall have been filled. And the majority of such liquidators, if there be more than two, shall form a quorum; and upon the final winding up of the corporation the liquidators shall report to a final meeting of shareholders called for the purpose, which meeting shall have then the power to dissolve the corporation and to abandon the charter thereof, which charter shall thereupon lapse and become and be extinct. And at such final meeting the shareholders may make such order respecting the disposition or custody of the books, muniments and documents of the corporation as they may deem fit.

Filling vacancies in the office.

Quorum of liquidators; their final report and proceedings by shareholders thereon.

19. If pending the realization of the assets of the corporation, an offer should be made for the purchase of the whole of the remaining assets *en bloc*, at such a price as will suffice for the payment of all claims in full, with all the expenses and liabilities incurred in the process of winding up, the liquidators may submit such offer to a special general meeting of the shareholders called for the purpose, and if authorized by the shareholders present in person or represented by proxy, holding at least three-fourths of the whole of the shares voted upon at such meeting, may accept the same, with or without modification, as they may be instructed to do by such meeting, and thereupon may execute a valid conveyance thereof to the purchaser thereof.

Provision in case of offer *en bloc* for all their remaining assets.

20. The liquidators may call meetings of the shareholders or of the creditors whenever they deem it expedient to do so; and they shall also call a meeting of shareholders, whenever required to do so, in the manner in which, by the charter of the corporation, shareholders may cause directors to call special general meetings; and they shall also call a meeting of creditors, whenever they are required in writing so to do by ten creditors, such writing to specify the purposes of the meeting. And the liquidators shall also call meetings of shareholders or of creditors, as the case may be, whenever ordered to do so by the judge; which order he may make for a meeting of shareholders, upon application of any five shareholders, and for a meeting of creditors, upon application of five creditors—after notice to the liquidators;—such order to be only made for causes appearing to the judge to be sufficient, and upon such conditions as to costs as he may thereby prescribe. And notice of meetings of creditors and of shareholders, respectively, shall be given as hereinbefore provided for the first meeting of creditors, such notice always stating the purposes for which the meeting is called. And, at such meetings, a chairman shall be appointed, and also a secretary; the latter of whom shall make a formal record of the proceedings, and, after procuring the signature of the chairman thereto, or of two persons present at such

Liquidators may call meetings of shareholders or creditors.

And shall do so on order of Judge.

Notice of Secretary, how given.

Chairman, and his duty.

meeting and having the right to vote thereat, he shall countersign the same, and deliver it to the liquidators.

Shareholders may instruct their liquidator as to his course of action, &c.

21. The shareholders, may by resolution, give instructions to the liquidator nominated by them, as to his course of action in any matter connected with the winding up of the estate; may remove him without assigning cause and nominate his successor; may pass resolutions, from time to time, for submission to the judge, respecting the accounts and proceedings of the liquidators, and respecting their remuneration. And, after the creditors who have made claims have been paid off in full, and adequate provision has been made, as hereinbefore prescribed, for all remaining creditors, the liquidators nominated by the creditors, and by the Government respectively shall cease to hold office as such, or an order of the judge to that effect; and thereafter the shareholders shall have the power of appointing liquidators, if they deem it expedient so to do, in the place and stead of the liquidators nominated by the creditors and by the Governor in Council, respectively, and thereafter they shall control in all respects the winding up of the estate.

When creditors are paid in full, shareholders may appoint liquidators to control the winding up of the estate.

Creditors may instruct their liquidator as to his duties.

22. The creditors may, by resolution, in like manner, instruct the liquidator nominated by them as to his duties; may remove him without cause assigned and nominate his successor; and may pass resolutions, from time to time, for submission to the judge, respecting the accounts and proceedings of the liquidators, and respecting their remuneration.

Liquidators to make and submit detailed reports of their doings to shareholders and creditors, and to Minister of Finance until creditors are paid.

23. The liquidators shall prepare, and submit to the shareholders at every meeting thereof, and to the creditors at every meeting thereof, detailed statements of their doings in the winding up of the corporation, comprising a report of any sales made of the effects of the corporation, their receipts and disbursements, the amount of cash on hand, the place where it is deposited, and the rate of interest such deposit bears. And, until all the claims of creditors have been paid off or provided for, as hereinbefore prescribed, they shall prepare and transmit to the Minister of Finance, at least once in every three months, similar statements, authenticated by the signatures of the liquidators, or of the majority of them if there be more than two.

Remuneration of liquidators, how fixed.

May be unequally divided among them.

Not to be fixed until certain things are done.

24. The remuneration of the liquidators shall be fixed by the judge, after his reception of any resolution of the shareholders or creditors respecting such remuneration, and shall not be greater than the largest sum suggested by either of such resolutions. And if either the creditors or the shareholders suggest by resolution that the remuneration of the liquidators should be unequally divided between them, the judge may, in his discretion, order that one or more of the liquidators shall receive a larger proportion of such remuneration than the other or others. But the judge shall not fix the remuneration of the liquidators till after meetings both of the shareholders and of the creditors have been held after the meetings for the nomination of the liquidators; nor

until the minutes of the proceedings at such meetings have been presented to him for inspection. And any liquidator or liquidators retaining or receiving from the estate any fee or remuneration of any nature whatever, above or beyond the remuneration so fixed, except actual cash lawfully disbursed in the performance of his duties, shall be liable to be and shall be adjudged on the petition of any shareholder or creditor, to pay over to the funds of the estate, three times the amount of the sum so retained or received, and also to pay all the costs of such petition.

Penalty on liquidator receiving remuneration beyond the amount fixed.

25. The judge shall tax the accounts of the liquidators for disbursements, but only after such disbursements have been submitted to a meeting of shareholders, and also to a meeting of creditors, if the claims have not all been previously paid off or provided for as hereinbefore prescribed. And until such disbursements have been so submitted, and taxed, they may be contested by any shareholder or creditor on a petition to the judge, after due notice to the liquidators.

Judge to tax disbursements of liquidators.

26. If the Corporation possesses real or immoveable property, the liquidators shall have all the powers of the directors in respect of the sale thereof, or of the right of the Corporation therein, and may sell and dispose of the same, in the name of the Corporation, as the directors might have done, authenticating such sale by affixing the seal of the Corporation thereto. And if they shall deem it for the interest of the estate that such real or immoveable property or any of it should be sold by authority of justice, they may apply to the judge for an order addressed to the sheriff of the county or district wherein such property is situate, requiring the sheriff to seize and sell such property; and thereupon, the sheriff shall seize and sell such property in the same manner and after the same notices and procedure as if such order were a writ of *fieri facias de terris;* and shall make his return thereon in like manner to the court and the proceeds of such sale shall be disposed of according to law and to the practice of such court; except that any sum of money levied under such sale, which, according to the practice of the court, would be paid over to the seizing creditor, if levied under a writ of execution, shall except it be due to him as a privileged or hypothecary creditor, be paid over to the liquidators: And such sales, and the title thereby conveyed to the purchaser, and the effect thereof generally, and the proceedings in Court thereafter shall be the same as if such sale had been made under an ordinary writ of execution. And the appointment of liquidators under this Act shall not interrupt any proceedings for the sale of real or immoveable property which shall be then pending, nor the proceedings for the distribution of the proceeds of any sale of such property made before such appointment.

Sale of real estate of the bank or company.

May be by sheriff by authority of justice.

Duty of sheriff in such case.

Disposal of proceeds.

Effect such sale.

27. The liquidators, in their own names as such, shall have the exclusive right to sue for the recovery of all debts due to or claimed by the Corporation of every kind and nature whatsoever; for rescinding agreements, deeds and

Liquidators may recover debts due to the bank or company, &c.

instruments made in fraud of creditors, and for the recovery back of moneys, securities and effects alleged to have been paid or delivered over in fraud of creditors, and to take, both in the prosecution and defence of all suits, all the proceedings that the Corporation might have taken for the benefit of the estate, or that any creditor might have taken for the benefit of the creditors generally; and may represent the Corporation in all suits or proceedings by or against it, which are pending at the time of their appointment.

And use any actions the corporation had.

May make calls on shareholders.

They shall make calls upon the shareholders for any unpaid balance upon shares; and upon the shareholders in banks holding paid up shares, but further liable thereon under the Acts respecting banks and banking; and such calls shall be made without undue delay after their appointment, and without awaiting the realization of the other assets of the Corporation, *which delay* shall be in the discretion of the Judge. And no costs incurred in suits against the Corporation after notice has been given according to the provisions of this Act of the issue of a writ of attachment shall rank upon the estate, nor shall any judgment ordering the payment of money be thereafter capable of being enforced by execution against the Corporation or its effects or property. But all the taxable costs incurred in proceedings against the Corporation up to that time shall be added to the demand for the recovery of which such proceedings were instituted; and shall rank upon the estate as if they formed part of the original debt.

As to costs and judgments in suits after notice of attachment.

Liquidators to be subject to jurisdiction of judge, and accountable as officers of the Court.

28. The liquidators shall be subject to the summary jurisdiction of the judge, in the same manner and to the same extent as the ordinary officers of the court are subject to the jurisdiction of the court; and shall be accountable for the moneys, books, documents, property and estates coming into their possession as such, in the same manner as the sheriffs and other officers of the court are. And the performance of their duties may be compelled; and all remedies sought or demanded for enforcing any claim for a debt of the Corporation, or for any privilege, mortgage, hypothec, lien or right of property upon, in or to, any effects or property in their hands, possession or custody, may be obtained by an order of the judge on summary petition, and not by any suit, attachment, opposition, seizure or other proceeding of any kind whatever. And obedience by the liquidators to any order of the judge may be enforced by the judge under the penalty of imprisonment as for contempt of court or disobedience thereto.

May be compelled to perform any of their duties.

No lien or privilege on estate of corporation to be obtained after issue of attachment.

29. No lien or privilege upon either the personal or real estate of the Corporation shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the Corporation, if before the payment over to the plaintiff of the moneys actually levied under such writ, a writ of attachment has been issued under this Act; nor shall any judgment create any mortgage, hypothec or lien on any real or immovable property of the Corporation, unless regis-

Registry of judgment before attachment,

tered for such time before the issue of writ, as is required by the law of the Province wherein such property is situate, in order to give to such judgment in case of insolvency, any preference over chirographary creditors. But this provision shall not affect any lien or privilege for costs which the plaintiff possesses under the law of the province in which such writ shall have been issued.

required to create a lien.

Proviso.

30. After having acted with due diligence in the collection of the debts, if the liquidators find there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, they shall report the same to the judge, and with his sanction may sell the same by public auction, after such advertisement thereof as he may order; and pending such advertisement, they shall keep a list of the debts to be sold open to inspection at their office, and shall also give free access to all documents and vouchers explanatory of such debts; but all debts amounting to more than one hundred dollars shall be sold separately. And the person who purchases a debt from the liquidators may sue for it in his own name as effectually as the liquidators might have done; and a bill of sale, signed and delivered to him by the liquidators, shall be *primâ facie* evidence of such purchase, without proof of their handwriting, and the debt sold shall, in the Province of Quebec, vest in the purchaser without signification to the debtor; and no warranty, except as to the good faith of the liquidators, shall be created by such sale and conveyance, not even that the debt is due.

Debts to estate to collect which would be too onerous may be sold with sanction of the judge.

Proviso.

Rights of purchasers of such debts.

If in Quebec.

No warranty, except that of good faith.

31. In the preparation of a dividend sheet due regard shall be had to the rank and privilege of every creditors—which rank and privilege, upon whatever they may legally be founded, shall not be disturbed by the provisions of this Act. And the liquidators shall collocate therein every creditor of the Corporation. And so soon as a dividend sheet is prepared, notice thereof shall be given in the same manner as is herein provided for the calling of meetings, and after the expiry of eight days from the day of the last publication of such advertisement, all dividends which have not been objected to, within that period, or which are not upon a contested claim, shall be paid.

Rank of creditors to be observed in dividend sheet.

Notice of dividend sheet being ready.

32. If any claim be contested at any time, or if any dividend be contested within the said period of eight days, or if any dispute arises between the creditors of the Corporation, or between the liquidators and any creditor, as to the amount of the claim of any creditor, or as to the ranking or privilege of the claim of any creditor upon such dividend sheet, the contestation shall be filed in writing with the liquidators; and the grounds of contestation shall be distinctly stated in such writing, and the party contesting shall also file at the same time the evidence of previous service of a copy thereof on the claimant; and the claimant shall have three days thereafter to answer the same,—which time may, however, be enlarged by the judge; with a like delay to the contestant to reply; and upon the completion of an issue upon such contestation, the liquidators shall transmit to the

Provision if any claim is contested, or disputes arises as to ranking, &c.

Contestation to be heard

and decided by the Judge.

clerk of the court the dividend sheet or a copy thereof, with all the papers and documents relating to such contestation; and any party to it may fix a day, of which two days' notice shall be given to the adverse party, for proceeding to take evidence thereon before the judge, and shall thereafter proceed thereon from day to day until the evidence shall have been closed, the case heard and the judgment rendered,—

Appeal.

which judgment shall be final unless appealed from in the manner hereinafter provided.

Record of proceedings.

The proceedings on such contestation shall form part of the records of the court, and the judgment shall be made executory as to any condemnation for costs, in the same manner as an ordinary judgment of the court.

Certain rules and orders of Judge to be final and conclusive.

33 All matters and things decided, and all rules and orders made by the judge in respect of the performance by any liquidator of his duties under this Act, or of his appointment or election; or of his obedience to the order of a judge; or of his remuneration or disbursements; or in respect of any matter appertaining to order or discipline; or in respect of any matter of routine or of order in the proceedings for winding-up an estate under this Act; shall be final and conclusive, and shall not be susceptible of appeal

Exception.

or of revision; save and except that any judge may on motion or petition remodel or revise his own ruling in respect of any such matters or things, rules or orders.

In the Province of Quebec.

In the Province of Quebec all other decisions by a judge, under this Act, shall be considered as judgments of the Superior Court, and any final order or judgment rendered by such judge, save as hereinbefore otherwise provided, may be

Revision or appeal.

inscribed for revision or may be appealed from by the parties aggrieved, in the same cases and in the same manner as they might inscribe for revision, or appeal from a final judgment of the Superior Court in ordinary cases, under the law in

In other Provinces.

force when such decision is rendered. And in other Provinces, any final order or judgment, except such rules or orders, matters and things as are hereinbefore declared not to be susceptible of appeal, may be appealed from, in the

Ontario.

Province of Ontario, to either of the superior courts of common law or to the Court of Chancery, or to any judge of any

New Brunswick.

one of the said courts; in the Province of New Brunswick, to the Supreme Court of New Brunswick, or to any judge of the

Nova Scotia.

said court; in the Province of Nova Scotia, to the Supreme Court of Nova Scotia, or to any judge of the said court;

British Columbia.

in the Province of British Columbia, to the Supreme Court of that Province, or to any judge of the said court; in the

Prince Edward Island.

Province of Prince Edward Island, to the Supreme Court of Judicature, or to any judge of the said court; in the Province

Manitoba.

of Manitoba, to the Court of Queen's Bench, or to any judge of the said court; but any appeal to a single judge in

Proviso for reference to full Court.

the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island or Manitoba, may, in his discretion, be referred, on a special case to be settled, to the full court, and on such terms in the meantime as he may think necessary and just.

34. No such appeal or proceeding in revision shall be entertained unless the appellant or party inscribing for revision shall have, within eight days from the rendering of such final order or judgment, adopted proceedings on the said appeal or revision, or unless he shall within the said delay, have made a sufficient deposit or given sufficient sureties before the judge that he will duly prosecute the said appeal or proceedings in revision, and pay such damages and costs as may be awarded to the respondent. And pending the contestation of any claim, and of any appeal or proceeding in revision in respect thereof, the liquidators shall reserve a dividend equal to the amount of the dividend upon such claim, or the dividend already collocated to the claimant, as the case may be, until such contestation shall be finally decided.

Conditions precedent to revision or appeal.

Reservation of dividend pending appeal, &c.

35. The judge may, on application of the liquidators, or of any creditor, order any person, then or at any time previously president, director, manager, cashier, accountant, teller, clerk or employee of the Corporation, or any other person cognisant of its affairs, claiming to be a creditor, or alleged to be a debtor, thereof, to appear before the judge to answer upon oath any question which may be put to him touching the affairs of the Corporation; and in case of refusal to appear, or to be sworn, or to answer the questions submitted, such official or person may be committed and punished by the judge as for a contempt of court. No person examined under this Act shall be excused from answering any such question on the ground of any privilege, or that the answer would tend to criminate him, but no such answer shall be used against him as evidence in any criminal proceeding against him except only for perjury committed by such answer.

Examination of officers of employees of corporation, &c., on oath before the Judge.

Person examined not excused from answering by privilege, &c.

36. In this Act the word "Company" means an Insurance Company,

Interpretation "company."

a. The words "Official Gazette" mean the Gazette published under the authority of the Government of the Province wherin the proceedings under this Act are carried on.

"Official Gazette."

b. The word "judge" shall mean a judge of the Superior Court, in the Province of Quebec; of the Court of Queen's Bench, in the Province of Manitoba; and of the County Court in the Provinces of Ontario, New Brunswick, British Columbia, Prince Edward Island and Nova Scotia, having jurisdiction in the county or district where proceedings shall be had under this Act, and shall also include a junior and deputy judge when such are appointed.

"Judge."

c. The word "clerk" means the prothonotary or clerk of the court having jurisdiction where proceedings under this Act are being carried on.

"Clerk."

d. The word "creditor" means any creditor of the Corporation who has proved his claim, as provided in this Act, or whose name appears in the list of creditors prepared and delivered to the sheriff under the

"Creditor."

provisions hereof. But no person claiming damages for personal wrongs shall be treated as a creditor until his claim has been established by the judgment of a competent court.

"Sheriff." *e.* The word "sheriff" means the sheriff of the county or district where the proceedings under this Act are being carried on or his deputy.

Affidavits under this Act by whom made. **37.** Any affidavit required in proceedings under this Act may be made by the party interested, his agent or other party having a personal knowledge of the matters therein stated, and may be sworn in Canada before any liquidator or before any judge, notary public, commissioner for taking affidavits, or justice of the peace, and out of Canada before any judge of a Court or Record, any commissioner for taking affidavits appointed by any Canadian court, any notary public, the chief municipal officer for any town or city, or any British consul or vice-consul, or before any person authorized by any statute of the Dominion, or of any province thereof, to take affidavits to be used in any court of justice in any part of the Dominion.

What time allowed for service of notice. **38.** Except when otherwise provided by this Act, one clear juridical day's notice of any petition, motion, order or rule, shall be sufficient if the party notified resides within fifteen miles of the place where the proceeding is to be taken; and one extra judicial day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding: and service of such notice shall be made in such manner as is now prescribed for similar services in the province within which the service is made.

Mode of serving.

Application of deposit made with Minister of Finance by an Insurance company. **39.** Any deposit held by the Minister of Finance for policy-holders in an Insurance Company, shall be applied and distributed by the liquidators under this Act among the persons entitled to claim thereon under the Insurance Acts of 1875, and 1877, and for that purpose the liquidators may make a special dividend sheet of the amount of such deposit, of which notice shall be given, and which shall be subject to contestation in the same manner as any ordinary dividend sheet. And after the time for contestation of such dividend sheet, or of any dividend therein, has passed, the Minister of Finance may either cause the uncontested dividends therein to be paid directly to the persons collocated, or may transmit the amount of such deposit to the liquidators to be distributed by them in accordance with such dividend sheet. But no such dividend sheet shall be made until all outstanding risks have been reinsured as hereinafter provided, except for the purpose of appropriating such deposit in whole or in part to the payment for such reinsurance.

Action of the Minister as to the same.

Proviso.

Liquidators may with approval of Judge arrange for re-insurance. **40.** The liquidators may, with the approval of the Judge, arrange with any incorporated Insurance Company certified by the Superintendent of Insurance to be in good standing, for the re-insurance by such company of the outstanding

risks of the insolvent company; and in case of such arrangement the assignee may pay or transfer to such company such of the assets of the insolvent company as may be agreed on as the consideration for such re-insurance; and such re-insurance shall be in lieu of the claim for unearned premium, after such re-insurance has been effected.

Repeal of 41 V., c. 21.

41. Chapter twenty-one of the statutes of the Parliament of Canada, passed in the forty-first year of Her Majesty's reign, and intituled "*An Act to make provision for winding up of Insolvent Incorporated Fire or Marine Insurance Companies*," and Chapter thirty-one of the Acts of the Parliament of Canada, passed in the thirty-ninth year of the reign of Her Majesty, and intituled "*An Act to make provisions for the winding up of Insolvent incorporated Banks*" are, and each of them is hereby repealed, with so much of "*The Insurance Acts of* 1875 *and* 1877," as relates to the appointment of an assignee in case of the insolvency of an insurance company, or makes any provision in respect of any such case which is inconsistent with the provisions of this Act, or provides for any matter relative to such insolvency as to which other provision is made by this Act, except in respect of any Insolvent Bank or Insurance Company, being at the time of the passing of this Act, in process of being wound up under the provisions of either of the said Acts.

39 V., c. 31.

And inconsistent provisions of 38 V., c. 20, and 40 V., c. 42.

FORM A.

CANADA, PROVINCE OF, District of } VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith.

No.

To the *Guardian* in and for the County (*or* Judicial District *as the case may be*), of

GREETING:

We command you at the instance of to attach the estate and effects, moneys and securities for money, vouchers, and all the office and business papers and documents of every kind and nature whatsoever, of and belonging to (*Bank or Company*) if the same shall be found in (*name of district or other territorial jurisdiction*) and the same so attached, safely to hold, keep and detain in your charge and custody until the attachment thereof, which shall be so made under and by virtue of this writ, shall be determined in due course of law.

We command you also to summon the said (*Bank or Company*) to be and appear before Us, in our Court for at in the County (*or* District) of on the day of to show cause, if any they have, why their estate should not be placed in liquidation, and further to do and receive what, in

our said Court before Us, in this behalf, shall be considered; and in what manner you shall have executed this Writ, then and there certify unto Us with your doings thereon, and every of them; and have you then and there also this Writ.

IN WITNESS WHEREOF, We have caused the Seal of our said Court to be hereunto affixed, at aforesaid , this day of in the year of Our Lord one thousand eight hundred and in the year of our Reign.

No. 97.

2nd Session, 4th Parliament, 43 Victoria, 1880

BILL.

An Act to provide for the winding up of Insolvent Banks and Insurance Companies.

Received and read, first time, Thursday, 8th April, 1880.

Second reading, Thursday, 8th April, 1880.

Mr. ABBOTT.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.

1880.

No. 98.] **BILL.** [1879.

An Act respecting the Ontario Reformatory for Boys.

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

1. Where any boy, who at the time of his trial appears to the Court to be under the age of sixteen years, is convicted, in the Province of Ontario, of any offence for which a sentence of imprisonment for a period of three months or longer, but less than five years, may be imposed upon an adult convicted of the like offence, and the Court before which such boy is convicted is satisfied that a due regard for the material and moral welfare of the boy manifestly requires that he should be committed to the Ontario Reformatory for Boys, then such Court may sentence the boy to be imprisoned in the Reformatory for such term as the Court may think fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence; and may further sentence such boy to be kept in the said Reformatory for an indefinite time after the expiration of such fixed term: Provided that the whole period of confinement in the said Reformatory shall not exceed five years from the commencement of his imprisonment: Provided also, that in every case where the term of imprisonment for the offence is fixed by law to be five years or longer, such imprisonment shall be in the Penitentiary. After the proclamation declaring the Reformatory open, boys apparently under 16, and sentenced to imprisonment may be detained in it for their term of imprisonment, and afterwards for the purpose of their reform. Proviso: total term limited. Proviso: if sentenced for five years or more.

2. The powers conferred by the next preceding section shall not be exercised by a Justice of the Peace or several Justices of the Peace sitting in Petty Sessions; but this limitation does not apply to a Police Magistrate or Stipendiary Magistrate. What magistrate may act in such cases.

3. Where any boy, apparently under the age of sixteen years, is convicted of any offence punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a period of fourteen days at the least, any Judge of any one of the Superior Courts of Ontario, or any Judge of a County Court in that Province (in any case occurring within his county), may examine and enquire into the circumstances of such case and conviction, and when he considers the material and moral welfare of the boy require such sentence, he may, as an additional sentence for such offence, sentence such boy to be sent either forthwith or at the expiration of his imprisonment in such gaol, to the said Reformatory, to be there detained for the purpose of his industrial and moral When a boy under 16 is sentenced to gaol for 14 days or more, a judge may, after inquiry, send him for detention in the Refuge.

education, for an indefinite period not exceeding in the whole five years from the commencement of his imprisonment in the common gaol.

Boy sentenced to Reormatory may be detained after end of sentence, for purposes of reform.

4. Every boy sentenced under the first or third section of this Act shall be detained in the said Reformatory until the expiration (if any) of the fixed term of his sentence, unless sooner discharged by lawful authority, and thereafter shall, subject to the provisions hereinafter made and to any regulations made under section ten of this Act, be detained in the said Reformatory for a period not to exceed five years from the commencement of his imprisonment, for the purpose of his industrial and moral education.

Boy sentenced to imprisonment may be detained in gaol until taken to Reformatory.

5. Any Sheriff or other person having the custody of an offender sentenced to imprisonment in the said Reformatory, may detain the offender in the common gaol of the county in which he is sentenced, or other place of confinement in which he may be, until a Provincial bailiff or other person lawfully authorized in that behalf requires his delivery for the purpose of being conveyed to the said Reformatory.

What shall be sufficient warrant for taking the boy to gaol until conveyed to Reformatory.

6. In case any boy is sentenced to confinement in the Reformatory, a copy of the sentence of the Court, duly certified by the proper officer, or the warrant or order of the Judge or other Magistrate by whom the boy is sentenced, shall be a sufficient authority to the Sheriff, Constable or other officer who may be directed so to do (which direction may be verbal), to convey such boy to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain the said boy until the provincial bailiff, or other person lawfully authorized, shall require the delivery of such boy for removal to the Reformatory.

Provision in case of ill health of the boy.

7. In case any boy sentenced to be confined in the Reformatory is in such a weak state of health that he cannot safely or conveniently be removed to the Reformatory, he may be detained in the common jail or other place of confinement in which he may be, until he is sufficiently recovered to be safely and conveniently removed to the Reformatory.

Provision for apprenticing a boy to a trade or binding him to service for remainder of his term in the Reformatory.

8. In case any respectable and trustworthy person is willing to undertake the charge of any boy committed to the said Reformatory, when such boy is over the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy is confined in the Reformatory by virtue of a sentence or order pronounced under the authority of this Act or of any other Act of the Parliament of Canada, the Superintendent of the Reformatory may, with the consent and in the name of the Inspector of Prisons and Public Charities of Ontario, bind the said boy to such person for any term not to extend, without his consent, beyond a period of five years from the commencement of his imprisonment, and the Inspector shall thereupon order that such boy shall be discharged from the said Reformatory on probation, to remain so discharged

provided his conduct, during the residue of the term of five years from the commencement of his imprisonment, continues good; and he shall be discharged accordingly: Provided that any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said boy, or to some other person for his benefit.

Proviso: his wages to be for his use.

9. No boy shall be discharged under the next preceding section until after the fixed term of his sentence has elapsed, unless by the authority of the Governor General.

Discharge by Governor General.

10. The Governor General in Council may make such regulations as he may consider advisable for the discharge, after the expiration of the fixed term of sentence, of prisoners confined in the said Reformatory under this Act or any other Act of the Parliament of Canada, and such discharge may be either absolute or upon probation, subject to such conditions as may be imposed under the authority of the said regulations.

Governor in Council may make regulations as to such discharge.

11. The Judge of any County Court or any Police Magistrate may, upon satisfactory proof that any boy who was sentenced under the provisions of this Act or of any other Act of the Parliament of Canada, and who has been discharged on probation, has violated the conditions of his discharge, order such boy to be re-committed to the said Reformatory, and thereupon he shall be detained therein under his original sentence as if he had never been discharged.

Boy violating conditions of discharge on probation may be re-committed to Reformatory.

12. Whenever the time of any boy's sentence in the said Reformatory, under any law within the legislative jurisdiction of the Parliament of Canada, expires on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following.

If a boy's term expires on a Sunday.

13. No boy shall be discharged from the said Reformatory at the termination of his term of confinement, if then laboring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in such Reformatory until he recovers from such disease or illness: Provided that any boy remaining in the said reformatory for any such cause shall be under the same discipline and control as if his term were still unexpired.

If he is dangerously ill when it expires.

Proviso.

14. Every person subject to imprisonment or detention in the Reformatory shall be liable to perform such labour as may be required of him, and shall be subject to the discipline and regulations of the said Reformatory prescribed or made by lawful authority,

To be liable to labour and discipline.

15. The one hundred and seventh chapter of the Consolidated Statutes of the late Province of Canada is hereby repealed, except as to matters within the exclusive jurisdiction of the Legislatures of Ontario and Quebec respectively; Chapter forty-three of the Statutes of the Parliament of Canada passed in the thirty-eighth year of Her Majesty's reign, is also hereby repealed, but such repeal shall not

Repeal of certain Acts as to Ontario only, c. 107, of Con. Stat. Can.

38 V., c. 43. revive section ninety-eight of the Act intituled "*An Act to amend the Act respecting procedure in criminal cases, and other matters relating to criminal law.*" So much of the Act passed in the Session held in the thirty-second and thiriy-third years of Her Majesty's reign, intituled "*An Act respecting the trial and punishment of juvenile offenders,*" as authorizes two or more Justices of the Peace sitting in Petty Sessions to sentence offenders to imprisonment in a Reformatory in Ontario, is also hereby repealed.

Part of 32, 33 V., c. 33.

Act to apply to Ontario only.

16 This Act shall apply to the Province of Ontario only, and the Acts and parts of Acts mentioned as repealed in the fifteenth section of this Act, are so repealed as to Ontario only, and shall remain in force elsewhere as if this Act had not been passed.

No. 98.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act respecting the Ontario Reformatory for Boys.

Received and read, first time, Thursday, 8th April, 1880.

Second reading, Friday, 9th April, 1880.

Mr. McDONALD, (Pictou.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 99.] **BILL.** [1880.

An Act respecting the Reformatory for Juvenile Offenders in Prince Edward Island.

Preamble.

WHEREAS the Legislature of the Province of Prince Edward Island purposes establishing a Reformatory for Juvenile Offenders:—Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

After proclamation declaring the Reformatory ready, offenders under sixteen liable to imprisonment may be confined and detained in it.

1. So soon as a Proclamation has been issued by the Lieutenant-Governor of the said Province, declaring that such Reformatory has been established and made ready for the confinement of prisoners, then when any person apparently under the age of sixteen is convicted before the Supreme Court or Stipendiary Magistrate of any offence for which by law he is liable to imprisonment, the said Court or Stipendiary Magistrate may sentence such person to be detained in the said Reformatory for any term not exceeding five years nor less than two years, as to the said Court or Magistrate shall appear proper.

And also such offenders while awaiting trial.

2. Any person apparently under the age of sixteen years, arrested on a charge of having committed any offence within the said Province, not capital, shall not, while awaiting trial for such offence, be detained in any common jail, but shall be detained in such Reformatory.

Offenders wilfully contravening rules of Reformatory may be sent to jail at hard labour.

3. If any offender detained in such Reformatory wilfully neglects to conform to the rules thereof, he may, upon summary conviction, be imprisoned in the common jail with hard labor for any term not exceeding three months, and at the expiration of his term of imprisonment he shall be brought back to the Reformatory, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to the prison.

Arrest and punishment of offenders escaping from Reformatory.

4. If any offender escapes from such Reformatory he may, at any time before the expiration of his period of detention, be apprehended without warrant and brought before the Supreme Court or Stipendiary Magistrate, and on proof of his identity, the said Court or Magistrate shall, if it is the first time he has so escaped, remand him to the said Reformatory there to serve the remainder of his original sentence with such additional term, not exceeding one year, as to the said Court or Magistrate may appear proper; and if it is his second or any subsequent escape, may commit him to the common jail, there to remain until the expiration of the period for which he was remanded to the said Reformatory, with such additional term not exceeding three months, as to said Court or Magistrate may appear proper.

No. 99.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act respecting the Reformatory for Juvenile Offenders in Prince Edward Island.

Received and read, first time, Thursday, 8th April, 1880.

Second reading, Friday, 9th April, 1880.

Mr. McDonald,
(Pictou.)

OTTAWA.

Printed by MacLean, Roger & Co.

1880.

No. 100.] **BILL.** [1883.

An Act respecting "The Industrial Refuge for Girls," of Ontario.

WHEREAS an Act has been passed by the Legislature of the Province of Ontario, for the establishment of an Industrial Refuge for Girls, and it is expedient that an Act should be passed by the Parliament of Canada authorizing the confinement therein of juvenile female offenders: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. After a proclamation has been issued by the Lieutenant-Governor of Ontario declaring "The Industrial Refuge for Girls," in Ontario, open for the reception of girls under the age of fourteen years, where any girl who at the time of her trial appears to the Court to be under the age of fourteen years, is convicted of any offence for which a sentence of imprisonment for a period of one month or longer but less than five years, may be imposed upon an adult convicted of the like offence, and the Court before which the girl is convicted is satisfied that a due regard for her material and moral welfare manifestly requires that she should be committed to the Industrial Refuge for Girls, then such Court may sentence such girl to be imprisoned in the said Industrial Refuge for such fixed term as the Court may think fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence, and may further sentence the said girl to be kept in the said Industrial Refuge for Girls for an indefinite time after the expiration of such fixed term: Provided that the whole period of confinement in such Industrial Refuge shall not exceed five years from the commencement of her imprisonment: Provided also, that in every case where the imprisonment for the offence committed is fixed by law to be five years, or longer, then such imprisonment shall be in the Penitentiary. After the proclamation declaring the Refuge open, girls apparently under 14, and sentenced to imprisonment may be detained in it for their term of imprisonment, and afterwards for the purpose of their reform. Proviso: total term limited. Proviso: if sentenced for five years or more.

2. The powers conferred by the preceding section shall not be exercised by a Justice of the Peace or several Justices of the Peace sitting in Petty Sessions, but this limitation does not apply to a Police Magistrate or Stipendiary Magistrate. What magistrate may act in such cases.

3. Where any girl apparently under the age of fourteen years is convicted of any offence punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a period of fourteen When a girl under 14 is sentenced to gaol for 14 days or more,

a judge may, after inquiry, send her for detention in the Refuge.

days at the least, then any Judge of one of the Superior Courts of Ontario (or any Judge of a County Court in that Province, in any case occurring within his county), may examine and enquire into the circumstances of such case and conviction, and where he considers the material and moral welfare of the girl requires it he may, as an additional sentence for such offence, sentence such girl to be sent either forthwith, or at the expiration of her imprisonment in such gaol, to the said Industrial Refuge, to be there detained for the purpose of her industrial and moral education for an indefinite period not exceeding in the whole five years from the commencement of her imprisonment in the common gaol.

Girl sentenced to Refuge may be detained after end of sentence, for purpose of reform.

4. Every girl sentenced under the first or third section of this Act shall be detained in the said Industrial Refuge until the expiration, if any, of the fixed term of her sentence, unless sooner discharged by lawful authority; and thereafter shall, subject to the provisions hereinafter made and to any regulations made under section seven of this Act, be detained in the said Industrial Refuge for a period not to exceed five years from the commencement of her imprisonment for the purpose of her industrial and moral education.

Provision for apprenticing a girl to a trade or binding her to service for remainder of her term in the Refuge.

5. In case any respectable and trustworthy person is willing to undertake the charge of any girl committed to the said Refuge, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such girl is confined in the said Refuge by virtue of a sentence or order pronounced under the authority of this Act or of any other Act of the Parliament of Canada; the Superintendent of the Refuge may, with the consent and in the name of the Inspector of Prisons and Public Charities of Ontario, bind the said girl to such person for any term not to extend, without her consent, beyond a period of five years from the commencement of her imprisonment; and the Inspector shall thereupon order that such girl shall be discharged from the said Refuge on probation, to remain so discharged provided her conduct during the residue of the term of five years from the commencement of her imprisonment continues good, and she shall be discharged accordingly: Provided that any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said girl or to some other person for her benefit.

Proviso: her wages to be for her use.

Discharge by Governor General.

6. No girl shall be discharged under the next preceding section until after the fixed term of her sentence has elapsed, unless by the authority of the Governor General.

Governor in Council may make regulations as to such discharges.

7. The Governor General in Council may make such regulations as he may consider advisable for the discharge, after the expiration of the fixed term of sentence, of prisoners confined in the said Industrial Refuge for Girls, under this Act or any other Act of the Parliament of Canada, and such discharge may be either absolute or upon probation, subject to such conditions as may be imposed under the authority of the said regulations.

8. The Judge of any County Court or any Police Magistrate may, upon satisfactory proof that any girl who was sentenced under the provisions of this Act or of any other Act of the Parliament of Canada, and who has been discharged on probation, has violated the conditions of her discharge. order such girl to be recommitted to the said Refuge, and thereupon she shall be detained therein under her original sentence as if she had never been discharged.

Girl violating terms of discharge on probation may be recommitted to Refuge.

9. This Act shall apply to the Province of Ontario only, and shall not take effect until a proclamation has been issued declaring the said Industrial Refuge for Girls open for the purposes of this Act.

When and where this Act shall apply.

No. 100.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act respecting "The Industrial Refuge for Girls," of Ontario.

Received and read, first time, Thursday, 8th April, 1880.

Second reading, Friday, 9th April, 1880.

Mr. McDONALD,
(Pictou.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 101] **BILL.** [1880

An Act to provide for the distribut on of the asse's of Insolvent Traders.

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

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

2. For the better interpretation of this Act, the words and phrases therein used, are hereby declared to have therein the meanings hereinafter attributed to them, namely: The word "County" means a county or union of counties; or a judicial district in Ontario not organized into a county. For the purposes of this Act, the temporary judicial district of Nipissing, in the Province of Ontario, shall be considered as part of the County of Renfrew, and so much of the territory composing the territorial district of Parry Sound and the territorial district of Muskoka, as is not already included in the judicial County of Simcoe, shall be considered as within the County of Simcoe. Interpretation: County. District of Nipissing. District of Parry Sound and Muskoka.

a. The word "district" means a district as defined for judicial purposes by the Legislature of the Province wherein the same is situate. District.

b. The words "date of Insolvency" mean the date of service of the writ of attachment. Date of Insolvency.

c. The words "Official Gazette" mean the Gazette published under the authority of the Government of the Province where the proceedings under this Act are carried on, or which is used there as the official means of communication between the Lieutenant-Governor and the people, and if no such Gazette is published; or if such Gazette is not, in the opinion of the Court or Judge, published with sufficient frequency; then they shall mean any newspaper published in the County, District or Province, designated by the Judge for publishing the notices required by this Act. Official Gazette.

d. The word "Court" means the Superior Court in the Province of Quebec, the Court of Queen's Bench in the Province of Manitoba, and the County Courts in the Provinces of Ontario, New Brunswick, British Columbia, Prince Edward Island, and Nova Scotia. Court.

Judge. *e.* The word "Judge" means a Judge of the said Courts respectively, having jurisdiction in the County or District where proceedings shall be had under this Act, and shall also include a Junior and Deputy Judge when such are appointed.

Debtor. *f.* The word "Debtor" means any person or persons, co-partnership, company or corporation that has become subject to the provisions of this Act.

Claim. *g.* The word "Claim" means a debt for which the creditor does not hold security subject to valuation under the provisions of this Act, or such portion of a secured debt as shall be in excess of such valuation, over and above any set-off or counter claim of the debtor validly held by him against the creditor at the date of insolvency, whether overdue or not; and the words "secured claim" mean a debt for which the creditor holds security under the said provisions, to the extent of such valuation of such security. But if any debtor has made a composition with his creditors under the Insolvent Act of 1875, the amount remaining unpaid of such composition shall be the only amount provable as a claim under this Act.

Secured claim.

Clerk. *h.* The word "Clerk" means the Prothonotary or Clerk, of the Court having jurisdiction where proceedings under this Act are being carried on, as the case may be.

Notary. *i.* The words or "before a Notary," mean executed in notarial form, according to the laws of the Province of Quebec.

Creditor. *j.* The word "Creditor" means every person, co-partnership or company to whom the Insolvent is liable, whether primarily or secondarily, and whether as principal or surety;—but when used with reference to proceedings at meetings under this Act; to the right of voting; to the proportion of creditors who have become parties to any consent or action with regard to the management and disposal of the estate of a debtor; or to any proceedings by a creditor before any Court or Judge, the word "Creditor" means a person, co-partnership or company whose unsecured claims, to an amount of one hundred dollars or upwards, have been proved in the manner provided by this Act.

When used as to voting, consent as to discharge, &c.

What to mean.

Collocated. *k.* The word "collocated" means ranked or placed in the dividend sheet for some dividend or sum of money.

Guardian. *l.* The word "Guardian" means the person or official authorized in the place where the proceedings under this Act are being carried on; to take charge of an estate between the date of insolvency and the appointment of an assignee.

Who shall be Guardian. **3.** Except in cities and towns containing according to the then last official census a population of more than twenty thousand people, the Sheriff shall be the guardian under this Act; and may therein be represented by his deputy. And in such cities or towns guardians may be appointed by the

Boards of Trade therein ; or in default thereof for one month after the passage of this Act, by the Government of the Dominion, in such numbers as the acting appointing power shall deem sufficient. And guardians so appointed shall hold office during pleasure and may be dismissed by the appointing power with or without cause.

Acts of insolvency.

4. A debtor shall be deemed insolvent--

Acknowledging insolvency.

a. If he has deposited with the Clerk, or delivered to any creditor, a declaration in writing expressly acknowledging his insolvency :

Absconding.

b. If he has absconded, or is immediately about to abscond, from any Province in Canada, with intent to defraud any creditor, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process ; or if, being out of any such Province of Canada, he so remains with a like intent ; or if he conceals himself within the limits of Canada with a like intent :

Concealment.

Secreting effects.

c. Or if he has secreted, or is immediately about to secrete, any part of his estate and effects with intent to defraud his creditors, or to defeat or to delay their remedies against him or any of them :

Fraudulently assigning.

d. Or if being unable to meet his liabilities in full, he has made any sale or conveyance of the whole or the main part of his stock in trade or of his assets, without the consent of his creditors, or without satisfying their claims :

Allowing execution to be unsatisfied.

e. Or if he permits any execution issued against him, under which any of his chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within four days of the time fixed by the Sheriff or officer for the sale thereof, or for fifteen days after such seizure :

No chattels which can be seized.

f. Or if, upon the issue of a writ of execution against him, the officer charged with such writ, having demanded payment and in default thereof required him to point out any effects susceptible of being seized thereunder, is unable to find any chattels, land or property which can be seized thereunder, and such writ remains unsatisfied for fifteen days after such demand.

Time for commencing proceedings in liquidation limited.

5. No proceedings shall be taken under this Act to place the estate of a debtor in liquidation, unless the same are taken within three months next after the act or omission relied upon as subjecting such estate thereto ; nor after a writ of attachment has been issued, while it remains in force.

WRITS OF ATTACHMENT, ETC.

Affidavits by parties demanding Writ.

6. Upon the affidavit of any creditor or that of his clerk, or other duly authorized agent, establishing that a trader is indebted to him in a sum of not less than two hundred dol-

lars, over and above the value of any security which he holds for the same, and disclosing such facts and circumstances as shall satisfy the Judge that the estate of such trader has become subject to distribution under the provisions of this Act,

Writ of Attachment.

such creditor shall be entitled to a writ of attachment (Form A) against the estate and effects of such trader, addressed to the Guardian, requiring him to attach the estate and effects of such trader, and to summon him to appear before the Court or

Concurrent Writs.

Judge to answer the premises Concurrent writs of attachment may be issued when required, addressed to a Guardian of other counties or districts in any part of the Dominion other than the county or district in which the same shall be

Procedure.

issued. Such writs shall be subject as nearly as can be to the rules of procedure of the court in ordinary suits, as to their issue and return, and as to all proceedings subsequent thereto before any Court or Judge.

Return of Writ.

7. Writs of attachment shall be made returnable forthwith after the execution thereof, but it may be provided by any rule of practice to be made in that behalf, that such writ shall be made returnable on a day certain to be declared by

Service of Writ how made.

the terms thereof, and such writ shall be served by the Guardian in the manner provided for the service of an ordinary writ of summons in the Province where the same is to be made. And if the debtor remains without such Province, or conceals himself within such Province, or has no domicile in any Province of the Dominion, or absconds from his domicile, in every such case service shall be made by such notice or advertisement as the Judge, or in the Province of Quebec

And of Concurrent Writs.

the Judge or Prothonotary, may order. Concurrent writs of attachment issued against a debtor may be executed without being previously served upon him, except in cases where such debtor has his domicile or a place of business in the county or district in which the same is to be executed, in which case the writ shall be served at such domicile or place of business.

Duty of Guardian executing Writ.

8. The Guardian shall, under such writ of attachment, seize and attach all the estate, property and effects of the debtor within the limits of the county or district for which he is appointed, including his books of account, moneys, securities for moneys, and all his office or business papers,

Report on oath.

documents, and vouchers of every kind and description, and shall return with the writ a report under oath stating in general terms his proceedings on such writ. If he is unable

Guardian may break open house, &c.

to obtain access to the interior of the house, shop, store, warehouse or other premises of the debtor by reason of the same being locked, barred, or fastened, such Guardian is hereby authorized forcibly to open the same in the presence of at least one witness, making special mention thereof in

Notice of issue of Writ.

his return. And immediately upon the service of a writ of attachment, the Guardian shall give notice of the issue thereof by advertisement (Form B) to be inserted once in the Official Gazette, and once in one local or the nearest published newspaper.

Petition by debtor to set aside attachment.

9. The debtor may present a petition to the Judge on the return day of the writ of attachment, if such return day be not less than five days after the service of the writ, and otherwise at any time within five days from the service of the writ; and may thereby pray for the setting aside of the attachment made under such writ, for want of, or for a substantial insufficiency in, the affidavit required by section six; or on the ground that the party at whose suit the writ was issued has no claim against him, or that his claim does not amount to two hundred dollars beyond the value of any security which he holds, or is not proveable, or that his estate has not become subject to distribution under this Act; and such petition shall be heard and determined by the Judge in a summary manner, and conformably to the evidence adduced before him thereon; and the judgment, subject to appeal as hereinafter provided, shall be final and conclusive.

Various grounds of.

Hearing in such case.

Judgment final.

Upon service of Writ property and powers of debtor to be vested in Guardian.

10. Whenever a writ of attachment has issued against a debtor and has been served upon him; such writ shall, until the appointment of the assignee, vest in the Guardian, as the Bailee thereof all right, title and interest which the debtor has in and to any real or personal property, including his books of account, all vouchers, letters, accounts, titles to property and other papers and documents relating to his business and estate, all moneys and negotiable papers, stocks, bonds and other securities, and generally all assets of any kind or description whatsoever which he may be possessed of or entitled to; and the Guardian shall hold the same in trust for the benefit of the debtor and of his creditors and subject to the orders of the Court or Judge; and he may, upon such order and before any meeting of the creditors, institute any conservatory process or any proceeding that may be necessary for the protection of the estate; he may also, upon such order, sell and dispose of any part of the estate and effects of the debtor which may be of a perishable nature. But such writ of attachment shall not vest in the Guardian such real and personal property as are exempt from seizure and sale under execution, by virtue of the several Statutes in that case made and provided in the several Provinces of the Dominion respectively, nor the property which the debtor holds as trustee for others.

Conservatory proceedings.

Certain property excepted.

Debtor to furnish Guardian with a statement of his liabilities, assets, &c.

11. The debtor shall, within seven days from the date of insolvency, or if the writ of attachment be contested, then within seven days from the date of the judgment rejecting the petition to have it quashed, furnish the Guardian with a correct statement (Form C) of all his liabilities, direct or indirect, contingent or otherwise, including the nature and amount thereof, together with the names, additions and residences of his creditors and the securities held by them, in so far as may be known to him. The debtor shall also furnish, within the same delay, a statement of all the property and assets vested in the Guardian under this Act; and such statement shall in all cases include a full, clear, and specific account of the causes to which he attributes his insolvency, and the deficiency of his assets to meet his liabilities. And

What it must show.

Creditors to have communication of statement.

any creditor, his clerk or agent, shall have communication of such statements, on his request, and may take a copy thereof or extracts therefrom.

First meeting of creditors, time for calling and how called.

12. Immediately after the delay within which the attachment can be contested, or immediately after the contestation has been rejected, or, with the consent in writing of the debtor, immediately after the writ has been returned, the Guardian shall call a meeting of the creditors of the debtor, to be held within fifteen days, notice of which meeting, in the Form C, shall be published in accordance with the requirements of this Act: Provided always, that if the Guardian omits to call such meeting, to be held within the time above limited, the Judge shall, on application of the Guardian or of any creditor, order the meeting to be called for the earliest possible day thereafter; and should the said omission have arisen from the negligence of the Guardian, the Judge shall order him to pay the costs of the application: Provided also, that on application of any creditor, the Judge, on being satisfied that there are creditors whose claims amount to at least one-third of the debtor's direct liabilities, resident in any place whence their attested claims cannot, in due diligence, be received before the day of the meeting, may order that the meeting be adjourned to some day not more than two weeks thereafter. And thereupon a copy of the order shall forthwith be served on the Guardian, who shall forthwith, by prepaid letter or circular, notify each creditor of the adjournment. And if such an order be made, no business shall be transacted at the meeting, which shall stand adjourned according to the terms of the order.

Proviso: Judge may call meeting.

Guardian liable for costs if negligent.

Proviso: Judge may order adjournment.

Creditors to be notified.

EXAMINATION OF THE DEBTOR.

Debtor to attend and be examined, and as to cause of failure especially.

13. The debtor shall attend at the first meeting of his creditors, and after making such corrections as he may deem proper to his statements of liabilities and assets, shall then and there attest the same under oath. He shall, at all times, be subject to such examination as the Judge may order, on the application of the Assignee, the Inspectors hereinafter mentioned, or any creditor; and he shall, at the expense of the estate, execute all proper writings and instruments, and perform all acts required by the Court or Judge touching his estate; and if he refuses to be sworn or to answer such questions as may be put to him, or to sign his answers upon such or any other examination required by this Act, or to execute such writings or instruments, or refuse to perform any of the acts which he is required to do under this Act, he may be committed and punished by the Court or Judge as for a contempt of Court.

Debtor subject to further examination.

Refusal to answer, &c., to be contempt of Court.

Examination of wife or husband of debtor, or other person.

14. The Court or Judge may also, on the application of the Assignee, of the Inspectors, or of any creditor, order any other person, including the husband or wife of the debtor, to appear before the Court or Judge, or before the Assignee, to answer upon oath any question which may be put to him or her touching the affairs of the debtor, and his conduct in the management of his estate; and in case of refusal to ap-

pear, or to be sworn, or to answer the questions submitted, such person may be committed and punished by the Court or Judge as for a contempt of Court. No person examined under this Act shall be excused from answering any question on the ground of any privilege; or that the answer would tend to criminate him, but no such answer shall be used as evidence in any criminal proceeding against him except only for perjury committed by such answer.

Answers not to be used in criminal proceedings.

15. No Guardian, nor any partner or associate, agent, employee or clerk, nor any relation, or connection within the degree of cousin german of any Guardian, nor any barrister, advocate, solicitor or attorney, shall be elected or appointed Assignee to any estate under this Act, nor shall any Guardian, his partner, associate, agent, clerk, relation or connection as aforesaid, be employed by the Assignee in any other manner, directly or indirectly, in the winding up of the estate; and any Guardian directly or indirectly soliciting or inducing any creditor to take proceedings to place any estate in the hands of such Guardian, under this Act, shall not be entitled to any fees or remuneration from such estate, and shall also be incapable of acting thereafter in the office of Guardian to any estate.

Who shall not be appointed Assignee.

Penalty on Guardians guilty of solicitation for appointment.

16. Each Guardian, not being a Sheriff, before acting as such Guardian, shall give security for the due fulfilment and discharge of his duties in a sum of two thousand dollars, if the population of the territorial jurisdiction for which he acts or is appointed does not exceed one hundred thousand inhabitants, and in the sum of four thousand dollars if the population exceed one hundred thousand,—such security to be given to Her Majesty for Her benefit and for the benefit of the creditors of any estate which may come into his possession under this Act: and in case any Guardian fails to pay over the moneys received by him or to account for the estate, or any part thereof, the amount for which such Guardian may be in default may be recovered from his sureties by Her Majesty or by the creditors, or by the Assignee entitled to the same, by adopting, in the several Provinces, such proceedings as are required to recover from the sureties of a Sheriff or other public officer: Provided always, that any surety for a Guardian, when no longer disposed to continue his suretyship, may give notice thereof in writing to his principal, and also to the Secretary of State of Canada; and all accruing responsibility on the part of such person as such surety shall cease at the expiration of three months from the receipt of the last of such notices, or upon the acceptance by the Crown of the security of another surety, whichever shall first happen; and the principal shall within one month from the receipt of the last of such notices, give the security of another surety; but if it appears to the Governor in Council that the period so limited for giving the security of a new surety is, for any reason insufficient, the Governor in Council may allow such further period for giving the security of such new surety as appears to him proper, but such further period shall in no case exceed two months.

Security given by Guardians.

Recovery from sureties.

Withdrawal of sureties of Guardians.

Governor in Council may extend the time for giving new security.

Appointment of, and security given by Assignee.

17. The creditors at their first meeting shall appoint an Assignee who shall give security to Her Majesty as provided in respect of Guardians, for the due performance of his duties, to a similar amount to that hereby required from a Guardian; or to such other amount as shall be fixed by the creditors at such meeting. The creditors may also, at any meeting called for that purpose, remove the Assignee and appoint another in his stead, or in the stead of an Assignee whose office becomes vacant by resignation or death. And a certified copy of any resolution of the creditors appointing or removing an Assignee shall be forthwith transmitted in every case to the Clerk, to remain of record in his office. And if the creditors do not elect an Assignee at such first meeting, or at some adjournment thereof, the Guardian shall report the same to the Judge within forty-eight hours after such meeting or adjournment thereof shall have been dissolved without such election; and thereupon the Judge shall appoint an Assignee to the estate.

Judge shall appoint on failure of creditors to do so.

Securities to be deposited with Judge.

18. All securities given under this Act shall be deposited with the Judge, and kept as part of the records of the Court, subject to the right of any person entitled to sue upon any such security to such production and delivery thereof as may be necessary in order to the exercise of such right.

Inspection of.

And any creditor of the estate may have inspection of such security, and may, if in his opinion the surety or sureties in such security are insufficient, apply, on notice to the Judge, for an order that new or additional sureties be furnished, and the Judge may, upon such application, make such order as shall seem reasonable, both as to the furnishing of sureties and as to the costs of the application.

New or additional security.

Estate vested in Assignee.

19. As soon as the Assignee is appointed, he shall be *ipso facto* vested with all the estate and effects of the debtor, in the place and stead of the Guardian who shall thereby be divested thereof; and immediately upon such appointment, it shall be the duty of the Guardian, without any delay from any cause, or upon any pretence whatever, to account to him for all the estate and property of the debtor which has come into his possession, and to pay over and to deliver to him all such estate and property, including all sums of money, books, bills, notes and documents whatsoever belonging to the estate, and to execute in his favor a deed of release in the Form D. And every Assignee, on his becoming such, shall immediately give notice of his appointment as such by an advertisement to be inserted once in the Official Gazette in the Form E, and by a copy thereof sent to each creditor by post and post-paid.

Transfer of estate by Guardian to Assignee.

Notice by Assignee of his appointment.

Partner, &c., of Assignee not to act as agent of a creditor.

20. Upon the question of the appointment of any person to be an Assignee, no partner or employee of such person shall act or vote as the attorney or agent of any creditor, nor shall any partner or employee of any Assignee vote or act as the attorney or agent of any creditor in reference to any claim or demand of such creditor on the estate in respect of which such Assignee is acting as such; nor shall any Assignee employ any person, being his partner, clerk, em-

Nor his partner, clerk,

ployee or relative as counsel, advocate, attorney, or solicitor in respect of the insolvent estate; nor shall the Assignee by way of commission or otherwise share in, or receive back any portion of any fee, remuneration, price, or profit derived or received by any person whomsoever from the estate for any cause whatever, under a penalty of ten times the amount so received, to be recovered on summary petition by any creditor for his own benefit.

relative, &c., to be employed as his agent.

No commission from estate to be taken, under penalty.

21. The Assignee, immediately upon his appointment, shall register in the Registry Office of the County or Registration District wherein the estate of the debtor is being liquidated, and also in any other County or Registration District wherein there is real property belonging to the estate, a copy of the writ of attachment, certified by the Clerk, together with an extract from the proceedings of the meeting of creditors by which he was appointed, certified under oath by himself, or a certified copy of the order of the Judge appointing him, as the case may be, and the deed of release, or an authentic copy thereof; and in the Province of Quebec the said instruments shall be accompanied by a description of the real estate belonging to the debtor, with a notice that the same has, by such writ of attachment, appointment, and deed of release, been transferred to the Assignee.

Certain instruments to be registered in County or Registration District wherein the estate of the debtor lies.

Further requirements in Province of Quebec.

22. The creditors may appoint at any meeting one or more Inspectors, who shall superintend and direct the proceedings of the Assignee in the management and winding up of the estate; and they may also, at any subsequent meeting held for that purpose, revoke the appointment of any or all the said Inspectors, and upon such revocation, or in case of death, resignation or absence from the Province of such Inspectors, or any of them, may appoint others in their stead; and whenever anything is allowed or directed to be done by the Inspectors, it may be done by the majority of the Inspectors or by the sole Inspector, if only one has been appointed. But no Assignee or Inspector of any insolvent estate shall purchase, directly or indirectly, any part of the stock-in-trade, debts or assets of any description, of such insolvent estate, nor shall any Assignee employ any Inspector, nor shall any Inspector employ any person being his partner or being the partner of any Assignee, or the partner of any Inspector, as counsel, advocate, attorney, solicitor, or agent, in respect of the insolvent estate.

Inspectors their appointment, &c., by creditors.

If more than one.

Inspectors or Assignees not to purchase debtor's property.

Inspector not to be employed as agent in respect of estate.

23. The Assignee shall exercise all the rights and powers of the debtor in reference to his property and estate. And he shall wind up the estate by the sale, in the ordinary mode in which such sales are made, of all bank or other stocks, and of all moveable property belonging to it, and by the collection of the debts due. The creditors may, at any meeting pass any resolution or order directing the Assignee how to dispose of the estate, or any part of it, and in default of their doing so, he shall be subject to the directions, orders and instructions he may, from time to time, receive from the Inspectors, with regard to the mode, terms and conditions on

Powers of debtor to vest in Assignee.

Creditors or Inspectors may direct Assignee as to disposal of estate.

which he may dispose of the whole or any part of the estate: Provided, however, that nothing in this Act shall be deemed to authorize any sale, *en bloc*, of the estate.

Assignee to sue for debts due debtor, &c.

24. The Assignee, in his own name as such, shall have the exclusive right to sue for the recovery of all debts due to or claimed by the debtor of every kind and nature whatsoever; for rescinding agreements, deeds and instruments made in fraud of creditors, and for the recovery back of moneys, securities and effects alleged to have been paid or delivered over in fraud of creditors, and to take, both in the prosecution and defence of all suits, all the proceedings that the debtor might have taken for the benefit of the estate, or that any creditor might have taken for the benefit of the creditors generally; and may intervene and represent the debtor in all suits or proceedings by or against him, which are pending at the time of his appointment, and on his application may have his name inserted therein in the place of that of the debtor. And if a partner in an unincorporated trading company or co-partnership, becomes insolvent within the meaning of this Act, and an Assignee is appointed to the estate of such debtor, such partnership shall thereby be held to be dissolved; and the Assignee shall have all the rights of action and remedies against the other partners in such company or co-partnership, which the insolvent partner could have or exercise by law or in equity against his co-partners after the dissolution of the firm, and may avail himself of such rights of action and remedies, as if such co-partnership or company had expired by efflux of time.

Partnership dissolved by Insolvency of a partner: Assignee to have right of Insolvent partner.

Register to be kept by Assignee.

25. Every Assignee shall keep a register showing the name of the debtor, his residence, place of business, and the nature of his trade or business, the date of the issue of the writ of attachment, the amount of liabilities mentioned by the debtor in the statement of liabilities, the claims proved, the amount of dividends paid, the amount of dividends remaining unpaid after three months from the declaration of the last dividend, the proceedings for the sale of real estate; with such other information as the Assignee may deem of general interest with reference to each estate,—which register shall be open to the inspection of the public, within office hours, at the office of such Assignee; and as soon as he takes charge of any estate, he shall open a separate book for such estate, containing the foregoing particulars, and showing a debtor and creditor account of all his receipts and disbursements on account thereof. And every Assignee shall, upon his removal, if removed, and if not, within one month after he shall have wound up the estate and obtained his own discharge, deposit the register kept by him as aforesaid, with reference to such estate, in the office of the Court; where it shall remain for the like purposes, and under the same provisions as when kept by the Assignee. And every register of, or coming into possession of, an Assignee, and every other record required to be kept by him in connection with the performance of his duties, shall be held to be the

Assignee to open separate account with each estate.

Deposit in Court of register by Assignee after his removal on the winding up of the estate.

Register and records to be the property of Her Majesty.

property of Her Majesty, and upon the death of an Assignee or his ceasing to hold office, the Judge shall be entitled to, and shall, assume possession and control of such register or other record, which shall thereafter be kept among the records of the Court, open to inspection as aforesaid.

Assignee to transmit yearly, to Minister of Agriculture, schedule of particulars contained in register.

26. Every Assignee shall, before the end of October in each year, fill up and transmit to the Minister of Agriculture, or in case this branch of the subject of statistics and the registration thereof be by the Governor in Council transferred to any other Minister, then to such other Minister, a schedule showing the particulars contained in the register to be kept by him under the provisions of this Act, and such other schedules for the year ending the thirtieth day of September next preceding, relative to the matters transacted by him under this Act, as shall be from time to time prescribed by the Governor in Council, according to forms published in the *Canada Gazette*, and it shall be the duty of every Assignee to make from day to day, and to keep entries and records of the particulars to be comprised in such schedule. And any Assignee neglecting or refusing to fill up and transmit any such schedule or wilfully making a false, partial or incorrect schedule thereunder, shall forfeit and pay the sum of forty dollars, together with the full costs of suit, to be recovered by any person suing for the same, by action of debt or information in any Court of Record in the Province in which such return ought to have been made, or is made, or in the Exchequer Court of Canada, and one moiety thereof shall be paid to the party suing, and the other moiety into the hands of the Minister of Inland Revenue, to and for the public uses of Canada. And the statistics collected by the Minister of Agriculture or such other Minister as aforesaid, under this Act, shall be abstracted and registered, and the results thereof shall be printed and published in an annual report.

Penalty for neglect or making false schedule.

How recoverable.

Statistics to be published in Annual Report.

ASSIGNEES' ACCOUNTS, REMUNERATION, &C.

Assignee must, under penalty, pay over balances to Receiver-General with sworn account.

27. Every Assignee shall, within thirty days after the expiration of the period after which he may apply for his discharge, pay over to the Minister of Inland Revenue all moneys belonging to the estate then in his hands, not required for any purpose authorized by this Act, with a sworn statement and account of such moneys, and that they are all he has in his hands, under a penalty of not exceeding ten dollars for each day on which he shall neglect or delay such payment, and he shall be a debtor to Her Majesty for such moneys and may be compelled as such to account for and pay over the same.

Remuneration of Assignee not to exceed fixed commission on amount realized.

28. The Assignee shall receive such remuneration as shall be voted to him by the creditors at any meeting; in the notice for which meeting the intention to decide upon the remuneration of the Assignee has been mentioned, and to no other remuneration whatever: Provided always, that such remuneration shall in no case exceed a commission on the net proceeds of the estate, with the exceptions, and sub-

ject to the limitations herein contained, of four per cent. on the amount realized if not exceeding one thousand dollars, two per cent. on any additional amount not exceeding four thousand dollars, and one per cent. on any additional amount realized in excess of five thousand dollars, in lieu of all fees and charges for all his services in relation to the estate, exclusive of actual expenses in going to seize and sell, and of disbursements necessarily made, with the approval or order of the Inspectors, or of the Judge, previously obtained, after, notice of the application therefor to at least three of the largest creditors residing, or having a resident agent in the place where the proceedings are being carried on. But the creditors may, by special resolution, authorize the repayment to the Assignee of such further disbursements out of the estate as they shall think reasonable, and in the event of unusual success, or an extraordinary degree of labor or trouble in winding up the estate, the creditors may vote him an increase of remuneration not exceeding one-half the amount hereby limited. The Guardian shall receive remuneration for his services at the rates fixed by schedule A of this Act; but such rates may be changed by any tariff made by the Judges of any Court empowered by this Act to make such tariff. He shall not make any disbursement whatever, except by express order of the Judge after notice to at least three creditors selected as aforesaid; but the charges for advertising the issue of the writ of attachment, and for giving notice of the first meeting of creditors, together with his remuneration, shall be taxed by the proper officer, and shall be the first charge on the estate. And if any Guardian or Assignee shall knowingly charge any sum of money for any remuneration or disbursement not authorized by this Act, in any account filed in Court or delivered to any creditor, or the amount of which is deducted from the sum to be divided in any dividend sheet, he shall forfeit three times the amount so charged: to be recovered from him by any creditor for his own benefit.

And actual necessary and authorized disbursements.

Further remuneration of Assignee.

Remuneration of Guardian.

His disbursements.

Penalty for unauthorized charges, &c.

29. No Assignee shall employ, in or about the business of the estate, any counsel or attorney-at-law, or any accountant, clerk, guardian or agent without the express authority and consent of the Inspectors, or of the creditors; but expenses incurred by such employment with such consent, shall be paid out of the estate, if not recovered from any party liable therefor

As to employing counsel, &c, in business of estate.

30. The Assignee shall call meetings of creditors whenever required in writing so to do, by the Inspectors or by five creditors, if there are five or more, or by all the creditors, if there are less than five, or by the Judge; and he shall state succinctly in the notice calling any meeting the purpose thereof.

Assignee to call meetings on requisition.

31. The Assignee shall deposit at interest in some chartered bank, to be indicated by the Inspectors or by the Judge, all sums of money which he may have in his hands belonging to the estate, whenever such sums amount to one hundred dollars, in default whereof he shall pay into the

Deposit and withdrawal of moneys of estate in bank.

estate interest on the amount in his hands at the rate of 25 per cent. per annum from a date to commence within two days from the date of his reception thereof. Such deposit shall not be made in the name of the Assignee individually, on pain of dismissal, but a separate deposit account shall be kept for each estate of the moneys belonging to such estate, in the name of the Assignee as such, and of the Inspectors (if any), and such moneys shall be withdrawn only on the joint cheque of the Assignee and of one of the Inspectors, if there be any. The interest accruing on such deposits shall appertain to the estate, and shall be distributed in the same manner and subject to the same rights and privileges as the capital from which such interest accrued. If in any account or dividend sheet made subsequent to any deposit in a bank, the Assignee omits to account for or divide the interest then accrued thereon, he shall forfeit and pay to the estate to which such interest appertains, a sum equal to three times the amount of such interest. And within the first five days of each calendar month the Assignee shall file in the office of the Clerk, a statement of the receipts and disbursements of the estate during the preceding month, showing also the balance of cash then in Bank. And at every meeting of creditors, the Assignee shall produce a bank pass-book showing the amount of deposits made for the estate, the dates at which such deposits have been made, the amounts withdrawn and dates of such withdrawal, of which production mention shall be made in the minutes of such meeting, and the absence of such mention shall be *primà facie* evidence that it was not produced thereat. The Assignee shall also produce such pass-book whenever so ordered by the Judge at the request of the Inspectors, or of a creditor, and on his refusal to do so he shall be treated as being in contempt of Court. And if he shall make or cause to be made any false entry in such pass-book with a view to deceive the Inspectors, creditors, or Judge, he shall be guilty of a misdemeanor, and shall be liable, at the discretion of the Court before which he shall be convicted, to punishment by imprisonment for a term not exceeding three years, or to any greater punishment attached to the offence by any Statute.

Interest on deposits.

Penalty for not accounting for or non-distribution of such interest.

Statement of affairs of estate to be fyled monthly with the Clerk.

Assignee to produce bank book at meetings, and when ordered by Judge.

Punishment for false entry in such pass-book.

32. Upon the death of an Assignee or upon his removal from office, the estate shall remain under the control of the Judge until the appointment of another Assignee, whereupon the estate shall become vested in such other Assignee.— And upon the death of a Guardian, the Judge, on petition of any creditor, shall order another Guardian or person to take charge of the estate, who shall hold it and perform all the duties of Guardian until an Assignee is appointed.

Estate vested in Judge on death or removal of Assignee or Guardian.

33. After the declaration of a final dividend, or if after using due diligence the Assignee has been unable to realize any assets to be divided, the Assignee shall prepare his final account, and present a petition to the Judge for his discharge, after giving notice of such petition to the debtor, and also to the Inspectors, if any have been

Final accoun and discharge of Assignee

Duties and obligations of Assignee.

appointed, and to the creditors by circular, and he shall produce and file with such petition a bank certificate of the deposit of any dividends remaining unclaimed, and of any balance in his hands, also a statement under oath, showing the nominal and estimated value of the assets of the debtor, the amount of claims proved, dividing them into ordinary, privileged or secured and hypothecary claims, the amount of dividends paid to the creditors of the estate, and the entire expense of winding up the same. And the Judge, after causing the account to be audited by the Inspectors, or by some creditor or creditors named by him for the purpose, and after hearing the parties, may grant conditionally, or unconditionally, the prayer of such petition, or may refuse it. And any Assignee who neglects to present such a petition within one month after the declaration of a final dividend; or within one month after he shall have been required so to do by the Inspectors or by any creditor of the estate, after it shall have been ascertained that there are not assets wherewith to declare a dividend; shall incur a penalty not exceeding one hundred dollars.

Power of Judge as to discharge.

Penalty in case of neglect by Assignee to present petition for discharge.

Provision of section 33 to apply to Assignees under former Acts.

34. The provisions of the last preceding section shall apply to all persons who have acted or are acting as Assignees under "*The Insolvent Act of* 1875," or under "*The Insolvent Act of* 1869," or in either of the Provinces of Quebec or Ontario under the Act formerly in force therein, called and known as "*The Insolvent Act of* 1864," or any Act or Acts amending or continuing the same or any of them; and in case a final dividend has been declared before the coming into force of this Act, or in case the Assignee has been unable to realize any assets to be divided, then he shall present such petition within one month after this Act has come into force under the penalty provided in the last preceding section.

Proviso.

SALE OF DEBTS.

Sale of debts, the collection of which would be too onerous.

35. After having acted with due diligence in the collection of the debts, if the Assignee finds there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he shall report the same to the creditors or Inspectors, or to the Judge, and with their sanction, or that of the Judge, he may sell the same by public auction, after such advertisement thereof as they or the Judge may order; and pending such advertisement, the Assignee shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts; but all debts amounting to more than one hundred dollars shall be sold separately, except as herein otherwise provided.

Proviso.

Creditor may be authorized by Judge to take any special proceeding at his own risk.

36. If at any time any creditor desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the estate, and the Assignee, under the authority of the creditors, or of the Inspectors, refuses or neglects to take such proceeding, after being duly required so to do; such creditor shall have the right to obtain an order of the Judge authorizing him to take such proceeding in the name of the

Assignee, but at his own expense and risk, upon such terms and conditions as to indemnity to the Assignee as the Judge may prescribe, and thereupon any benefit derived from such proceedings shall belong exclusively to the creditor instituting the same for his benefit. But if, before such order is granted, the Assignee shall signify to the Judge his readiness to institute such proceeding for the benefit of the creditors, the order shall be made prescribing the time within which he shall do so, and in that case the advantage derived from such proceeding, if instituted within such time, shall appertain to the estate.

Proviso.

37. The person who purchases a debt from the Assignee, may sue for it in his own name, as effectually as the Assignee is hereby authorized to do; and a bill of sale (Form F), signed and delivered to him by the Assignee, shall be *primâ facie* evidence of such purchase, without proof of the handwriting of the Assignee, and the debt sold shall, in the Province of Quebec, vest in the purchaser, without signification to the debtor; and no warranty, except as to the good faith of the Assignee, shall be created by such sale and conveyance, not even that the debt is due.

Rights of purchasers of debts from Assignee.

No warranty.

LEASES.

38. If the debtor holds property under a lease extending beyond the year current under its terms at the time of his insolvency, the creditors or Inspectors shall decide at any meeting, which may be held more than three months before the termination of the yearly term of the lease, current at the time of such meeting, whether the property so leased should be retained for the use of the estate, only up to the end of the then current yearly term, or, if the conditions of the lease permit of further extension, also up to the end of the next following yearly term thereof; and their decision shall be final. But if the first meeting of creditors is not held until within such period of three months, then the power of terminating the lease may be exercised by the creditors at such meeting, or by the Inspectors, within one week thereafter, but not later, nor in any case within one month of the end of the current yearly term of such lease, but in that case the lessor shall be entitled to the payment by privilege, in addition to the rent due at the end of such yearly term, of such further sum as will constitute, with the rent after such notice, an amount equal to three months rent under the lease, and from and after the time fixed for the retention of the leased property for the use of the estate, the lease shall be cancelled and shall thenceforth be inoperative and null.

Property held under lease extending beyond current year.

Powers of Inspector or Creditor as to extension or termination of lease.

Lessor claiming damages for termination of the lease.

39. The preferential lien of the landlord for rent in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island, and Manitoba, is restricted to the arrears of rent accrued within the period of six months last previous to the date of insolvency, and thence so long as the Assignee shall retain the premises leased; and no right of distress shall be exercised after such date. In the Province

Preferential claim of landlord for rent in the several Provinces, restricted.

of Quebec the preferential lien or privilege of the lessor shall be governed by the provisions of the civil code.

SALE OF REAL ESTATE.

Sale of real estate of debtor.

In Provinces other than Quebec.

40. In any province of the Dominion except Quebec, the real estate of a debtor may be sold by the Assignee under the authority of the inspectors or of the creditors, after such notice, in such manner and upon such conditions as they may order; and the title which such sale shall vest in the purchaser, shall in all respects have the same effect and validity as if it had been executed by the debtor before insolvency. But in such provinces, if ordered by the creditors or inspectors, and in all cases in the Province of Quebec, the real or immoveable property of the debtor which is not assigned to a secured creditor in the manner herein provided, shall be sold, as nearly as may be according to the existing practice therein respectively; and to that end the Assignee shall apply to the Judge for an order addressed to the Sheriff of the County or District wherein such property is situate, requiring the Sheriff to seize and sell such property, and thereupon the Sheriff shall seize and sell such property in the same manner and after the same notices and procedure, except as to demand of payment from the debtor, as if such order were a writ of *fieri facias de terris*; and except that all services of notices and other proceedings, usually required to be served upon the defendant in the course of such seizure and sale shall, in such case, be served upon the Assignee; and the Sheriff shall make his return to such order to the Court; and all the subsequent and incidental proceedings required or permitted in respect of the seizure or sale of real property under a writ of execution, and in respect of the payment or enforcement of payment of the price, or of resale in case of non-payment, which are lawful, when the seizure of real property has been made under a writ of execution, shall be lawful and may be taken in respect of such order and of any sale made thereunder, and in respect of the Sheriff's return thereto. And the sale made under such order, and the title thereby conveyed to the purchaser and the effect thereof generally, shall be the same as if the sale had been made under a writ of execution. And the appointment of an Assignee under this Act shall not interrupt any proceedings for the sale of real or immoveable property which shall then be pending, or for the distribution of the proceeds thereof. But any sum of money levied under such order, or levied after the date of insolvency, or levied before the date of insolvency, and only afterwards distributed, which under the practice of the Court would be paid over to the seizing creditor, shall be paid over to the Assignee; unless the seizing creditor is entitled thereto as holding a privileged or hypothecary claim upon the property sold.

Mode of procedure.

Return by Sheriff.

Effect of sales, title given, &c.

Distribution of proceeds.

DIVIDENDS.

Accounts, statements,

41. The Assignee shall prepare and keep constantly accessible to the creditors, accounts and statements of his doings

as such Assignee, and of the position of the estate; and he shall prepare dividends of the estate of the debtor whenever the amount of money in his hands will justify a division thereof, and also whenever he is required by the Inspectors, or ordered by the Judge, to do so. And so soon as a dividend sheet is prepared, notice thereof (Form G) shall be given by advertisement, and by letter posted to each creditor, enclosing a copy of the dividend sheet noting the claims objected to; and after the expiry of eight days from the day of the last publication of such advertisement, all dividends which have not been objected to, or which are not upon a claim objected to within that period, shall be paid.

and dividends prepared and kept by Assignee.

Payment of dividends.

42. All debts due and payable by the debtor at the date of insolvency and all debts due but then not actually, payable, subject to rebate of interest, shall have the right to rank upon the estate; and no interest accrued upon any claim, or secured claim after the date of insolvency shall rank upon the general estate; the secured creditors retaining the right to interest after such date, only so far as the proceeds or revenue of the property or effects upon which such security attaches, shall suffice to meet the same. And any person then being, as surety or otherwise, liable for any debt, and who subsequently pays such debt, shall thereafter stand in the place of the original creditor, if such creditor has proved his claim on such debt; or if he has not proved, such person shall be entitled to prove against and rank upon the estate for such debt, to the same extent and with the same effect as the creditor might have done. But no claim for damages for personal wrongs shall be proved or shall rank upon the estate, unless such claim has been established by the judgment of a competent Court.

What claims shall rank on the estate.

Interest.

Debtor's surety.

Damages for personal wrongs.

43. If any creditor claims upon a contract dependent upon a condition or contingency which does not happen previous to the declaration of the first dividend, a dividend shall be reserved upon the amount of such conditional or contingent claim until the condition or contingency is determined; but if it be made to appear to the Judge that the estate may thereby be kept open for an undue length of time, he may, unless an estimate of the value of such claim be agreed to between the claimant and the Assignee, with the authority of the creditors or of the Inspectors, order that the value of such contingent or conditional claim be established by such person or persons as the claimant and the Assignee may appoint, and in case they do not agree, then by such person or persons as the Judge shall name, and the persons so named shall make their award,—which award the Judge, after hearing the claimant and Assignee, may reject or confirm. In case the award be rejected, other persons shall be appointed as herein provided to establish the value of such claim, subject to the control of the Judge; and if the award be confirmed, the amount therein mentioned shall be that for which the claimant shall rank upon the estate as for a debt payable absolutely.

Case of contingent claims provided for.

How value of claim shall be established.

Assignee may disclaim property not saleable, &c.

44. When any property of the debtor consists of unmarketable shares in companies, of unprofitable executory contracts, or of any other property that is not saleable, or readily saleable, by reason of its binding the possessor thereof to the performance of an onerous act, or to the payment of a sum of money, the Assignee, with the authority of the creditors, or of the Inspectors, or of the Judge, notwithstanding that he has endeavoured to sell, or has taken possession of such property, or has exercised any act of ownership in relation thereto, may by writing under his hand disclaim such property; and thereupon, if a contract, it shall be held to have been determined from the date of the insolvency: and if shares, they shall be deemed to be forfeited from that date: and if any other species of property, then the same shall revert to the person entitled thereto, on the termination of the interest of the Assignee or of the debtor therein: but in no case shall any estate or interest therein remain in the debtor or in the Assignee. And any person having a right thereto may obtain an order from the Court or Judge ordering the Assignee to convey or deliver the same to him upon such conditions as shall be deemed just. And any person injured by such disclaimer or forfeiture shall be deemed a creditor to the extent of such injury, and may prove his claim and rank therefor in like manner as other creditors.

Injured or interested parties.

Rank and privilege of creditors;

45. In the preparation of the dividend sheet due regard shall be had to the rank and privilege of every creditor,—which rank and privilege, upon whatever they may legally be founded, shall not be disturbed by the provisions of this Act, except in the Province of Quebec, where the rights of the unpaid vendor shall be governed by the law of stoppage *in transitu* according to the laws of England. But no dividend shall be allotted or paid to any creditor holding security from the estate of the debtor for his claim, until the amount for which he shall rank as a creditor upon the estate as to dividends therefrom, shall be established as hereinafter provided; and such amount shall be the amount which he shall be held to represent in voting at meetings of creditors, and in computing the proportion of creditors, whenever under this Act such proportion is required to be ascertained, except as herein otherwise provided.

Proviso as to creditors holding security.

Seizure in execution after appointment of Assignee; its effect.

46. No lien or privilege upon either the personal or real estate of the debtor shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the Sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the debtor, if before the payment over to the plaintiff of the moneys actually levied under such writ, the estate of the debtor has been assigned to an Assignee, or if proceedings to place the same in liquidation under this Act have been adopted and are still pending; nor shall any judgment create any mortgage, hypothec or lien on any real or immoveable property of the debtor unless registered at least thirty days before the date of insolvency. But this provision shall not affect any lien or privilege for costs

Proviso as to costs of plaintiff.

which the plaintiff possesses under the law of the Province in which such writ has issued.

As to creditors holding security for their claims.

47. If a creditor holds security from the debtor, or from his estate; or any security which, if enforced, will diminish the assets, or increase the ranking on the estate, of the debtor, he shall specify the nature and amount of such security in his claim, and shall therein on his oath put a specified value thereon; and the Assignee, under the authority of the creditors, or of the Inspectors, may either consent to the retention of the property or effects constituting such security or on which it attaches, by the creditor, at such specified value, or except as hereinafter provided, he may require from such creditor an assignment and delivery of such security, property or effects, at an advance of ten per centum upon such specified value, not exceeding, in any case, the amount of his claim, to be paid to him out of the estate before any dividend is paid to the ordinary creditors; and in either of such cases the difference between the value at which the security is retained or assumed, as the case may be, and the amount of the claim of such creditor shall be the amount for which he shall rank and vote as aforesaid. And if a creditor holds a claim based upon negotiable instruments upon which the debtor is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be considered to hold security and shall put a value on the liability of the party primarily liable thereof; but if such claim is mature or exigible at the date of insolvency, or becomes so and remains unpaid thereafter, whether before or after such proof, such creditor shall be entitled for ranking, to treat the claim as unsecured, but for any other purpose except ranking, he shall be still considered to hold security and shall for all such purposes put a value on the liability of the party primarily liable thereon as being his security for the payment thereof. And if the security be upon real estate, and no consent be given to the retention of the property, the creditor shall rank for the difference between his valuation thereof and the amount of the debt; subject to the re-adjustment of his ranking, if necessary, if he receives a portion of the proceeds of such real estate after the sale thereof.

Security not matured and debtor only secondarily liable.

Claims matured or exigible at date of assignment.

Security upon real estate.

Security of one partner for a firm debt.

48. If there be more than one debtor liable for a debt as partners, and the creditor holds the liability of one of them as security for a debt of the firm, such liability shall be held to be security within the meaning of the foregoing section, and shall be valued and otherwise dealt with, and the claim of the creditor reduced as therein provided, without regard to the special provisions of the said section with respect to negotiable instruments; and if such security consists in such partner having made himself responsible upon a negotiable instrument, his liability shall be valued and dealt with as aforesaid, and the claim of the creditor shall be reduced accordingly, whether such negotiable paper be or become dishonoured or not.

If security is a negotiable instrument.

If the security is on realty or shipping.

49. But if the security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged shall only be assigned and delivered to the creditor, subject to all previous mortgages, hypothecs and liens thereon, holding rank and priority before his claim, and upon his assuming and binding himself to pay all such previous mortgages, hypothecs and liens, which, in such case, shall not be affected as to their privileges or ranking by the insolvency of the debtor or by such assignment and delivery, and upon his securing such previous charges upon the property mortgaged, in the same manner and to the same extent as the same were previously secured thereon. And thereafter the holders of such previous mortgages, hypothecs and liens shall have no further recourse or claim upon the estate of the debtor; and if there be mortgages, hypothecs or liens thereon, subsequent to those of such creditor, he shall only obtain the property by consent of the subsequently secured creditors; or upon their filing their claims specifying their security thereon as of no value; or upon his paying them the value by them placed thereon; or upon his giving security to the Assignee that the estate shall not be troubled by reason thereof.

Proceedings on the filing of a secured claim.

50. Upon a secured claim being filed, with a valuation of the security, it shall be the duty of the Assignee to procure the authority of the Inspectors or of the creditors at their first meeting thereafter, to consent to the retention of the security by the creditor, or to require from him an assignment and delivery thereof; and if any meeting of Inspectors or of creditors takes place without deciding upon the course to be adopted in respect of such security, the Assignee shall act in the premises according to his discretion and without delay.

Rank of several items of a creditor's claim.

51. The amount due to a creditor upon each separate item of his claim at the date of insolvency, which shall remain due at the time of proving such claim, shall form part of the amount for which he shall rank upon the estate, until such item of claim be paid in full, except in cases of deduction of the proceeds or of the value of his security, as hereinbefore provided; but no claim or part of a claim shall be permitted to be ranked upon more than once, whether the claim so to rank be made by the same person or by different persons; and the Assignee may at any time require from any creditor a supplementary oath declaring what amount, if any, such creditor has received in payment of any item of the debt upon which his claim is founded, subsequently to the making of such claim, together with the particulars of such payment, in order that such item, if paid in full, may be struck out of the claim, and that if overpaid the surplus may be returned to the estate; and if any creditor refuses to produce or make such oath before the Assignee within a reasonable time after he has been requested so to do, he shall not be collocated in the dividend sheet.

Oath required of creditor as to payment of his claim.

Debtor owing debts indi-

52. If the debtor owes debts both individually and as a member of a co-partnership, or as a member of two different

co-partnerships, the claims against him shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other, after all the creditors of that other have been paid in full. vidually and as a partner.

53. The creditors, or a majority of them in number and three-fourths in value, may by a deed to that effect, allot to the debtor, by way of gift or allowance, any reasonable sum of money, or any property they may think proper; and the allowance so made shall be inserted in the dividend sheet, and shall be subject to contestation like any other item of collocation therein, but only on the ground of fraud or deceit in procuring it, or of the absence of consent by a sufficient proportion of the creditors. Allowance or gift to debtor, how made.

54. No costs incurred in suits against the debtor after the date of insolvency, shall rank upon the estate; but all the taxable costs incurred in proceedings against him up to that time shall be added to the demand for the recovery of which such proceedings were instituted; and shall rank upon the estate as if they formed part of the original debt, except as herein otherwise provided. As to costs in suits against debtor after date of Insolvency.

55. It shall be the duty of the Inspectors to examine, with the Assignee, the claims made against the estate, and also each dividend sheet before the expiration of the delay within which the same may be objected to, and to instruct the assignee as to which claims or collocations should be contested by and on behalf of the estate; whereupon they shall be so contested in the name of the Assignee or of the Inspectors or of some individual creditor consenting thereto, and the costs of such contestation, unless recovered from the adverse party, and of any other proceeding authorized or adopted by the creditors or Inspectors, shall be paid out of the estate. Contestation of claims by Assignee under Inspector's instructions.

56. If it appears to the Assignee, on his examination of the books of the debtor, or otherwise, that the debtor has creditors who have not taken the proceedings requisite to entitle them to be collocated, it shall be his duty to reserve dividends for such creditors according to the nature of their claims, and to notify them of such reserve, which notification may be by letter through the post, addressed to such creditors' residences as nearly as the same can be ascertained by the assignee; and if such creditors do not file their claims and apply for such dividends before the declaration of the last dividend of the estate, the dividends reserved for them shall form part of such last dividend. Claims not filed, how dealt with. Dividend reserved.

57. If any claim be contested at any time, or if any dividend be objected to within the said period of eight days; or if any dispute arises between the creditors; or between the debtor and any creditor; as to the amount of the claim of any creditor, or as to the ranking or privilege of the claim of any creditor upon such dividend sheet; the contestation shall be filed in writing with the assignee, who shall make a record thereof; and the grounds of Claims or dividends objected to, how determined.

objection shall be distinctly stated in such writing, and the contestant shall also file at the same time the evidence of previous service of a copy thereof on the claimant; and the claimant shall have three days thereafter to answer the same,—which time may, however, be enlarged by the Judge; with a like delay to the contestant to reply; and upon the completion of an issue upon such contestation, the Assignee shall transmit to the Clerk the dividend sheet, or a copy thereof, with all the papers and documents relating to such contestation; and any party to it may fix a day, of which two days' notice shall be given to the adverse party, for proceeding to take evidence thereon before the Judge, and shall thereafter proceed thereon, from day to day, until the evidence shall have been closed, the case heard and the judgment rendered, which judgment shall be final unless appealed from in the manner hereinafter provided. The proceeding on such contestation shall form part of the records of the Court, and the judgment shall be made executory as to any condemnation for costs, in the same manner as an ordinary judgment of the Court.

Hearing and decision thereon.

Judgement executory.

58. All dividends remaining unclaimed at the time of the discharge of the Assignee shall be left in the bank where they are deposited, for three years; and if still unclaimed, shall then be paid over by such bank, with interest accrued thereon, to the Government of Canada, and if afterwards duly claimed shall be paid over to the persons entitled thereto, with interest at the rate of four per centum per annum from the time of the reception thereof by the Government. And if any balance remains of the estate of the debtor, or of the proceeds thereof, after the payment in full of all his debts, such balance shall be ordered to be paid over to the debtor upon his petition to that effect, after such notice to the creditors as is required in respect of the declaration of a dividend.

Unclaimed dividends, how dealt with.

Balance of estate (if any) to be paid over to debtor.

PROCEDURE GENERALLY.

59. Whenever a meeting of creditors cannot be held, or an application made, until the expiration of a delay allowed by this Act, notice of such meeting or application may be given pending such delay. And notices of meetings of creditors shall be given by publication thereof, at least one week in the Official Gazette, and once in one local or the nearest published newspaper, which shall be a daily paper, if one be published at or near the place where proceedings are carried on; both of which notices shall be published not less than ten days before the day fixed for such meeting; and the Guardian or Assignee shall address notices thereof to the creditors and to all the representatives, within the Dominion, of foreign creditors, and shall mail the same at least ten days before the day on which the meeting is to take place, the postage being prepaid by such Guardian or Assignee. In other cases not provided for the Assignee shall advertise as directed by the Inspectors or the Judge. But no accidental irregularity in the giving of any notice

Notice of meeting, &c., pending delay.

Notice of meeting, &c., how given.

Cases for advertisement unprovided for.

shall render the notice insufficient, unless the Court or Judge shall be of opinion that such irregularity has caused some substantial injustice which could only be remedied by renewing such notice, in which case the expense thereof, and all costs and damages incurred, by reason of, or growing out of, such irregularity, shall be paid by the Guardian or Assignee who was guilty of such irregularity. Irregularity not to invalidate notice.

60. The first meeting of creditors shall be held at the place of business of the debtor, and subsequent meetings at the office of the Assignee, or at such other place as the creditors or the Judge may order. No creditor shall vote at any meeting unless present personally, or represented by his cashier, manager, accountant, clerk, or book-keeper, or by some other creditor or person, which person, except in cases where the creditor resides beyond the limits of the county or district wherein the proceedings are carried on, shall be also a creditor of the debtor, having a written authority to represent him, to be filed with the Assignee; and no creditor, with the exception aforesaid, shall vote upon more than one such authority, in respect of the appointment of an Assignee; and no more than one person shall vote as a creditor in respect of the same debt. Persons purchasing claims against an estate after the date of insolvency shall not be entitled to vote in respect of such claims, but shall, in all other respects, have the same rights as other creditors; and no claim shall be divided and transferred in part to any person to increase the number of votes at any meeting. Meetings of creditors, when held. Creditors may vote in person or by Attorney. Only one vote allowed for each claim.

61. All questions discussed at meetings of creditors shall be decided by the majority, in number and in value, of the creditors present or represented as above provided at such meetings, unless herein otherwise specially provided; but if the majority in number do not agree with the majority in value, the views of each section of the creditors shall be embodied in resolutions, and the Assignee shall forthwith submit such resolutions, with a statement of the vote taken thereon, to the Judge, who shall decide between them: Provided, however, that no costs of or incidental to any such reference shall be paid out of the estate. How questions shall be decided at meetings. Reference to Judge. Proviso.

62. At the first meeting of creditors, and also at the second meeting of creditors, if it be called for the ordering of the affairs of the estate generally and it be so stated in the notices calling such meeting, all the matters and things respecting which the creditors may vote, resolve or order, or which they may regulate under this Act, (except when otherwise specially provided), may be voted, resolved or ordered upon and may be regulated, without having been specially mentioned in the notices calling such meeting. What matters may be voted upon, &c., at first or second meeting of creditors.

63. The claims of creditors shall be furnished to the Assignee in the Form—attested under oath or in some form equivalent thereto and shall be accompanied by the vouchers on which they are based, which vouchers shall then and there be endorsed and initialed by the Assignee as having been produced as vouchers for such claims: or when Form and proof of claims.

Vouchers in support.

vouchers cannot be produced, the claim shall be accompanied by such affidavit or other evidence as in the opinion of the Assignee justifies the absence of such vouchers. But such vouchers, if consisting of negotiable paper, shall always be produced by the creditor at the time of his application for any dividend.

Affidavits in insolvency, before whom sworn.

64. Any affidavit required in proceedings under this Act may be made by the party interested, his agent or other party having a personal knowledge of the matters therein stated, and may be sworn in Canada before the Assignee or before any Guardian, Judge, Notary Public, Commissioner for taking affidavits, or Justice of the Peace, and out of Canada before any Judge of a Court of Record, any Commissioner for taking affidavits appointed by any Canadian Court, any Notary Public, the chief municipal officer of any town or city, or any British Consul or Vice-Consul, or before any person authorized by any Statute of the Dominion or of any Province thereof, to take affidavits to be used in any Court of Justice in any part of the Dominion.

Commissions for examination of witnesses.

65. The Court or Judge shall have the same power and authority in respect of the issuing and dealing with commissions for the examination of witnesses as are possessed by the ordinary Courts of Record in the Province in which the proceedings are being carried on; and may order a writ of *subpœna ad testificandum* or of *subpœna duces tecum* to issue, commanding the attendance as a witness, or for examination under the provisions of this Act, of any person within the limits of Canada. And all rules, writs of *subpœna*, orders and warrants, issued by any Court or Judge in any matter or proceeding under this Act, may be validly served in any part of Canada upon any party affected or to be affected thereby; and the service of them or any of them, may be validly made in such manner as is now prescribed for similar services in the Province within which the service is made; and the person charged with such service shall make his return thereof under oath, or, if a Sheriff or Bailiff in the Province of Quebec, may make such return under his oath of office.

Subpœnas to witness.

Service of process, &c.

Disobedience to writs and orders, how punishable.

66. In case any person so served with a writ of *subpœna* or with an order to appear for examination, does not appear according to the exigency of such writ or order, the Court or the Judge on whose order or within the limits of whose territorial jurisdiction the same is issued, upon proof made of the service thereof, and of such default, may, if the person served therewith has his domicile within the limits of the Province within which such writ or order issued, constrain such person to appear and testify, and punish him for non-appearance, or for not testifying in the same manner as if such person had been summoned as a witness before such Court or Judge in an ordinary suit; but subject to the same excuses, defences or justification for not appearing under such writ, as in cases before the ordinary Courts; and if the person so served, and making default, has his domicile beyond the limits of the Province within which such writ or order

issued, such Court or Judge may transmit a certificate of such default to any of Her Majesty's Superior Courts of Law or Equity in that part of Canada in which the person so served resides, and the Court to which such certificate is sent, shall thereupon proceed against and punish such person so having made default, in like manner as it might have done if such person had neglected or refused to appear to a writ of *subpœna* or other similar process issued out of such last-mentioned Court; and such certificate of default attested by the Court or Judge before whom default was made, and copies of such writ or order and of the return of service thereof, certified by the Clerk of the Court in which the order for transmission is made, shall be *primâ facie* proof of such writ or order, service, return, and of such default.

Proof of default, &c.

67. The forms appended to this Act, or other forms in equivalent terms, shall be used in the proceedings for which such forms are provided; and in every contestation of a claim, collocation or dividend, the facts upon which the contesting party relies shall be set forth in detail, with particulars of time, place and circumstances; and no evidence shall be received upon any fact not so set forth; but in every petition, application, motion, contestation or other pleading under this Act, the parties may state the facts upon which they rely, in plain and concise language, to the interpretation of which the rules of construction applicable to such language in the ordinary transactions of life shall apply. And the rules of procedure as to amendments of pleadings, which are in force at any place where any proceedings under this Act are being carried on, shall apply to all proceedings under this Act; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended under the rules and practice of the Court. And if, after the date of insolvency, the debtor sues out any writ, or institutes or continues any proceeding whatever, he shall give to the opposite party such security for costs as shall be ordered by the Court before which such suit or proceeding is pending, before such party shall be bound to appear or plead to the same, and before the debtor shall take any further step therein.

Forms under this Act.

Ordinary language may be used in petitions, &c.

As to amendments in proceedings under this Act.

Debtor suing must give security for costs.

68. The death of the debtor, pending proceedings under this Act, shall not affect or interrupt such proceedings; and for the purpose thereof the provisions of this Act shall apply to the heirs, administrators or other legal representatives of the debtor, but only in their capacity as such heirs, administrators or representatives.

In case of death of debtor. representatives, how far subject to provisions of this Act.

69. The disbursements necessary in selling any asset charged with any privilege or lien, and the remuneration payable to the Assignee in respect of the proceeds of such sale, if any there be, shall be paid as a first charge upon the proceeds of such sale; the general disbursements necessary for winding up the estate shall be the first charge on the unincumbered assets of the estate; and the remuneration payable to the Assignee in respect of the unincumbered assets, shall be paid therefrom as the last preferential charge

Disbursements on what property and in what order chargeable.

As to assets chargeable with mortgages, &c.

thereon. But no asset or property chargeable with any mortgage, hypothec or lien, except such part of the proceeds thereof as may remain after payment of such charge, shall be liable for any remuneration to the Assignee, nor for any expense or disbursement, except a fair proportion of the costs necessarily incurred in realizing such asset and property.

Provisions as to letters addressed to debtor by Post.

70. The Judge shall have the power, upon special cause being shown before him under oath for so doing, to order any postmaster to deliver to the Guardian or Assignee letters addressed to the debtor, and to authorize the Guardian or Assignee to open such letters in the presence of the Clerk, and in the presence of the debtor, or after notice given to him by letter through the post, if he be within the Province; and if such letters be upon the business of the estate the Guardian or Assignee shall retain them, giving communication of them, however, to the debtor on request; and if they be not on the business of the estate they shall be resealed, endorsed as having been opened as aforesaid, and given to the debtor or returned to the post office; and a memorandum in writing of the doings of the Guardian or Assignee in respect of such letters, shall be made and signed by him and by the Clerk, and deposited in the Court.

Prothonotary to make orders (in Quebec) in absence of Judge.

Order of Prothonotary objected to.

71. In the absence of the Judge from the chief place of any district in the Province of Quebec, the Prothonotary of the Court may make any order which the Judge is empowered to make: but if any objection in writing to such order is fyled with the Clerk on the date thereof, such order shall not be executed, but the papers and proceedings relating thereto shall then be referred to the Judge, who shall adjudicate upon the same.

Rules of practice, Tariff of Fees and Bills of Costs in the Province of Quebec, how to be made.

72. In the Province of Quebec, rules of practice for regulating the due conduct of proceedings under this Act, before the Court or Judge, and tariffs of fees for the officers of the Court, and for the advocates and attorneys practising in relation to such proceedings, or for any service performed or work done for which costs are allowed by this Act, (but the amount whereof is not hereby fixed,) shall be made forthwith after the passing of this Act, and when necessary repealed or amended, and shall be promulgated under or by the same authority and in the same manner as the rules of practice and tariff of fees of the Superior Court, and shall apply in the same manner, and have the same effect in respect of proceedings under this Act as the rules of practice and tariff of fees of the Superior Court apply to and affect proceedings before that Court; and bills of costs upon proceedings under this Act may be taxed and proceeded upon in like manner as bills of costs may now be taxed and proceeded upon in the said Superior Court.

And in the other Provinces.

2. In the Province of Ontario, the Judges of the superior courts of common law, and of the Court of Chancery, or any five of them, of whom the Chief Justice of the Province of Ontario, or the Chancellor, or the Chief Justice of the Com-

mon Pleas, shall be one,—in the Province of New Brunswick, the Judges of the Supreme Court of New Brunswick, or the majority of them,—in the Province of Nova Scotia, the Judges of the Supreme Court of Nova Scotia, or the majority of them,—in the Province of British Columbia, the Judges of the Supreme Court, or the majority of them,—in the Province of Prince Edward Island, the Judges of the Supreme Court, or the majority of them,—and in the Province of Manitoba, the Judges of the Court of Queen's Bench, or a majority of them,—shall forthwith make and frame and settle the forms, rules and regulations to be followed and observed in the said Provinces respectively, in proceedings under this Act, and shall fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors, counsel, and officers of Courts, whether for the officer or for the Crown as a fee for the fee fund or otherwise, or for any service performed or work done for which costs are allowed by this Act, but the amount whereof is not hereby fixed

Guardian and Assignee to be subject to summary jurisdiction of Court.

73. Every Guardian and Assignee shall be subject to the summary jurisdiction of the Court and to the summary jurisdiction of a Judge thereof, in the same manner and to the same extent as the ordinary officers of the Court are subject to its jurisdiction; and shall be accountable for the moneys, books, documents, property and estates coming into his possession as such Guardian or Assignee, in the same manner as the Sheriffs and other officers of the Court are. And the performance of his duties may be compelled; and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, hypothec, lien or right of property upon, in or to, any effects or property in the hands, possession or custody of a Guardian or Assignee may, be obtained, by an order of the Court or Judge on summary petition either in vacation or in term, and not by any suit, attachment, opposition, seizure or other proceeding of any kind whatever; and obedience by the Guardian or Assignee to any order of the Court or Judge may be enforced by the Court or Judge under the penalty of imprisonment as for contempt of Court or disobedience thereto, or, except in the case of a sheriff, by removal from office in the discretion of the Court or Judge. And all proceedings in the exercise of such summary jurisdiction shall be had and taken in the most simple and expeditious manner consistent with justice, and without the necessity for any pleadings in writing, unless expressly ordered by the Court or Judge; the Clerk in that case noting them upon the records of the Court.

Accountable for moneys, &c.

Performance of duties may be compelled.

Obedience, how enforced.

Mode of conducting proceedings.

Registration of marriage contracts of traders in Quebec.

74. In the Province of Quebec, if a trader has a marriage contract with his wife, by which he gives or promises to give or pay, or cause to be paid, any right, thing, or sum of money, which contract is not enregistered within three months from the execution thereof; or if a person not a trader, but thereafter becoming a trader, has such a contract of marriage with his wife, which is not enregistered (if it has not been previously enregistered,) within thirty days from becoming such trader, the wife shall not be permitted

Consequences of default of registration.

to avail herself of the provisions of such contract in any claim under this Act upon the estate of such trader for any advantage conferred upon or promised to her by its terms; nor shall she be deprived by reason of its provisions of any advantage or right upon the estate of her husband to which in the absence of any such contract, she would have been entitled by law.

IMPRISONMENT FOR DEBT.

Debtor in gaol or on the limits, may apply to Judge for discharge from confinement.

75. Any debtor confined in gaol or on the limits in any civil suit, against whom process for liquidation under this Act has been issued, may, at any time after the first meeting of creditors provided for in this Act, make application to the Judge of the county or district in which his domicile may be, or in which the gaol may be in which he is confined, for his discharge from imprisonment in such suit;

Proceedings thereon.

and thereupon such judge may grant an order in writing directing the Sheriff or Gaoler to bring the debtor before him for examination at such time and place in such county or district as are fixed by such order; and the Sheriff or Gaoler shall obey such order, and shall not be liable to any action for escape in consequence thereof, or to any action for the escape of the debtor from his custody, unless the same shall have happened through his default or negligence; or if the debtor is confined in a county or district in which the Judge does not reside, the Judge, instead of ordering the debtor to be brought before him for examination may, make an order authorizing and directing the Assignee of his estate to take such examination, and it shall be the duty of such Assignee to take down or cause to be taken down such examination in writing, and transmit the same under his hand forthwith to the Judge; and the Assignee shall be entitled to *ten cents* for each folio of one hundred words of such examination.

Examination of confined debtor and witnesses.

(1.) In pursuance of such order, the debtor and any witnesses may be examined on oath at the time and place specified in such order before such Judge or Assignee, and if on such examination it appears to the satisfaction of the Judge that the debtor has not been guilty of any fraudulent disposal, concealment or retention of his estate or any part thereof, or of his books and accounts or any material portion thereof, or otherwise in any way contravened the provisions of this Act, such Judge shall, by his order in writing, discharge the debtor from imprisonment; and on production of the order to the Sheriff or Gaoler, the debtor shall be forthwith discharged without payment of any gaol fees: Provided always, that no such order shall be made in any case unless it be made to appear to the satisfaction of such Judge that at least seven days' notice of the time and place of the said examination had been previously given to the plaintiff in the suit in the course of which the debtor was imprisoned, or to his attorney, and to the Assignee.

Judge may discharge him if the examination be satisfactory.

Proviso:— Notice of examination to imprisoning plantiff.

(2.) The minutes of the examination shall be filed in the office of the Clerk of the Court out of which the process issues, and a copy thereof shall be delivered to the Assignee; and if during the examination or before any order be made, the Assignee or the creditor or any one of the creditors at whose suit the debtor is in custody, makes affidavit that he has reason to believe that the debtor has not made a full disclosure in the matters under examination, the Judge may grant a postponement of such examination for a period of not less than seven days nor more than fourteen days, unless the parties consent to an earlier day.

Minutes of examination to be kept.

Postponement of examination in certain cases.

(3.) After such examination, in case of any subsequent arrest in any civil suit for causes of action arising previous to the date of insolvency, the debtor may, pending further proceedings against him under this Act, be forthwith discharged from confinement or imprisonment in such suit, on application to any Judge and on producing such previous discharge: Provided that nothing in this section contained, shall interfere with the imprisonment of the debtor, in pursuance of any of the provisions of this Act.

As to subsequent arrest.

Proviso.

APPEAL.

76. All matters and things decided, and all rules and orders made, by any Court or Judge in deciding between the majority in number and the majority in value of the creditors; or in respect of the performance by a Guardian or Assignee of his duties under this Act, or of his appointment or election; or of his obedience to the order of a Court or Judge; or in respect of his charges, remuneration, fees or disbursements; or in respect of any matter appertaining to the discipline of the Court; or in respect of any matter of routine or of order in the proceedings for winding-up an estate; shall be final and conclusive, and shall not be susceptible of appeal or of revision; save and except that any Court or Judge may, on motion or petition, remodel or revise his or its own ruling in respect of any such matters or things, rules or orders. And in the Province of Quebec all other decisions by a Judge under this Act shall be considered as judgments of the Superior Court, and any final order or judgment rendered by such Judge or Court, save as hereinbefore otherwise provided, may be inscribed for revision or may be appealed from by the parties aggrieved, in the same cases and in the same manner as they might inscribe for revision or appeal from a final judgment of the Superior Court in ordinary cases, under the law in force when such decision is rendered. And in the other Provinces any final order or judgment save as hereinbefore otherwise provided, may be appealed from in the Province of Ontario, to the Court of Error and Appeal; in the Province of New Brunswick, to the Supreme Court of New Brunswick; in the Province of Nova Scotia to the Supreme Court of Nova Scotia; in the Province of British Columbia to the Supreme Court of that Province; in the Province of Prince Edward Island to the Supreme Judicature; and in the

Non-appealable or final judgments—what are.

Appealable judgments in Province of Quebec.

Appeal in other Provinces.

Judgment on appeal to the final.

Province of Manitoba, to the Court of Queen's Bench; and the judgment upon such appeal shall be final, and shall not be then appealed from to any other Court.

Appeal to be prosecuted within eight days, or sureties given for prosecution.

77. No such appeal or proceeding in revision shall be entertained unless the appellant, or party inscribing for revision, shall have, within eight days from the rendering of such final order or judgment, adopted proceedings on the said appeal or revision, or unless he shall within the said delay have made a deposit or given sufficient sureties before a Judge that he will duly prosecute the said appeal or proceedings in revision, and pay such damages and costs as may be awarded to the respondent. If the party appellant does not proceed with his appeal, or in review, as the case may be, according to the law or the rules of practice, the Court, on application of the respondent, may order the record to be returned to the officer entitled to the custody thereof and condemn the appellant to pay costs. And pending the contestation of any claim, and of any appeal or proceeding in revision in respect thereof, the Assignee shall reserve a dividend equal to the amount of the dividend upon such claim, or the dividend already collocated to the claimant, as the case may be, until such contestation shall be finally decided.

If appellant does not proceed.

Reservation of amount of dividend contested.

FRAUDS AND FRAUDULENT PREFERENCES.

Gratuitous contracts, within three months of insolvency presumed fraudulent.

78. All gratuitous contracts or conveyances, or contracts without consideration, or with a merely nominal consideration, respecting either real or personal estate, made by a debtor afterwards becoming insolvent, with or to any person whomsoever, whether such person be his creditor or not, within three months next preceding the date of insolvency, and all contracts by which creditors are injured, obstructed or delayed, made by a debtor unable to meet his engagements, and afterwards becoming insolvent, with a person knowing such inability or having probable cause for believing such inability to exist, or after such inability is public and notorious, whether such person be his creditor or not, are presumed to be made with intent to defraud his creditors.

Contracts injurious to creditors to be also deemed fraudulent.

Contracts for consideration within thirty days of insolvency voidable.

79. A contract or conveyance for consideration, respecting either real or personal estate, by which creditors are injured or obstructed, made by a debtor unable to meet his engagements with a person ignorant of such inability, whether such person be his creditor or not, and before such inability has become public and notorious, but within thirty days next before the date of insolvency, is voidable, and may be set aside by any Court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract, as the Court may order.

Contracts made with intent to de-

80. All contracts, mortgages, hypothecs, or conveyances made and acts done by a debtor, respecting either real or personal estate, with intent fraudulently to impede, obstruct

or delay his creditors in their remedies against him, or with intent to defraud his creditors, or any of them, and so made, done and intended with the knowledge of the person contracting or acting with the debtor, whether such person be his creditor or not, and which have the effect of impeding, obstructing, or delaying the creditors of their remedies, or of injuring them or any of them, are prohibited and are null and void, notwithstanding that such contracts, conveyances, or acts be in consideration, or in contemplation of marriage.

Fraud creditors to be void.

81. If any sale, mortgage, hypothec, deposit, pledge or transfer be made of any property real or personal by any person in contemplation of insolvency, by way of security for payment to any creditor; or if any property real or personal, moveable or immoveable, goods, effects, or valuable security, be given by way of payment by such person, to any creditor whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, transfer or payment shall be null and void, and the subject thereof may be recovered back for the benefit of the estate by the Assignee in any Court of competent jurisdiction; and if the same be made within thirty days next before the date of insolvency it shall be presumed *primâ facie* to have been so made in contemplation of insolvency.

Fradulent preferential sales, &c., to be void.

Presumption be fraud.

82. Every payment made within thirty days next before the date of insolvency by a debtor unable to meet his engagements in full, to a person knowing such inability, or having probable cause for believing the same to exist, shall be void, and the amount paid may be recovered back by suit in any competent Court, for the benefit of the estate: Provided always, that if any valuable security be given up in consideration of such payment, such security, or the value thereof, shall be restored to the creditor before the return of such payment can be demanded.

Certain payments by debtor void.

Proviso: Security given to be restored to creditor.

83. Any transfer of a debt due by the debtor made under the circumstances, in the next preceding section mentioned, and within thirty days next before the date of insolvency to a debtor knowing or having probable cause for believing the debtor to be unable to meet his engagements, or in contemplation of his insolvency, for the purpose of enabling the debtor to set up by way of compensation or set-off the debt so transferred, is null and void, as regards the estate of the debtor, and the debt due to the estate shall not be compensated or affected in any manner by a claim so acquired; but the purchaser thereof may rank on the estate in the place and stead of the original creditor.

Transfer of certain debts by debtor void.

OFFENCES AND PENALTIES.

84. Any person who, for himself or for any firm, partnership or company of which he forms part, or as the manager, trustee, agent or employee of any person, firm, copartnership or company, purchases goods on credit, or procures any advance in money, or procures the indorsement or acceptance

Purchasing goods on credit, &c., by persons knowing themselves unable to

pay, to be fraud, and how punishable.

of any negotiable paper without consideration, or induces any person to become security for him, knowing or having probable cause for believing himself or such person, firm, copartnership or company for which he is acting to be unable to meet his or its engagements, and concealing the fact from the person thereby becoming his creditor, with the intent to defraud such person, which intent shall be presumed from such knowledge, and from such concealment thereof, subject to rebuttal by the person accused; or who by any false pretence obtains a term of credit for the payment of any advance or loan of money, or of the price or any part of the price of any goods, wares or merchandize, with intent to defraud the person thereby becoming his creditor, or the creditor of such person, firm, copartnership, or company, and who shall not afterwards have paid or caused to be paid the debt or debts so incurred, shall be held to be guilty of a fraud, and shall be liable to imprisoment for such time as the Court may order, not exceeding two years, unless the

Debt, how recovered.

debt and costs be sooner paid. And the proceeding for the enforcement of the provisions of this section shall be by civil suit in the ordinary manner, in the Court having jurisdiction in ordinary actions of debt, in the place where such debt was

Proviso.

contracted. Provided always, that in the suit or proceeding taken for the recovery of such debt or debts, the defendant be charged with such fraud, and be declared to be guilty of it by the judgment rendered in such suit or proceeding.

Fraud must be proved if denied.

85. Whether the defendant in any such case appears and pleads, or makes default, the plaintiff shall be bound to prove the fraud charged, and upon his proving it, if the trial be before a jury, the Judge who tries the suit or proceeding shall immediately after the verdict rendered against the de-

Award of imprisonment,

fendant for such fraud (if such verdict is given), or if not before a jury, then immediately upon his rendering his judgment in the premises, adjudge the term of imprisonment

Revision of judgment.

which the defendant shall undergo; and he shall forthwith order and direct the defendant to be taken into custody and imprisoned accordingly; but such judgment shall be subject to the ordinary remedies for the revision thereof.

Guardians and Assignee to be deemed agents for certain purposes, 32-33 V., c. 21.

86. Every Guardian and Assignee is an agent within the meaning of the seventy-sixth and following sections of the "*Act respecting Larceny and other similar offences*," and every provision of this Act, or resolution of the creditors or Inspectors, and every order of the Court or Judge relating to

Direction in writing presumed.

the duties of a Guardian or Assignee shall be held to be a direction in writing, within the meaning of the said seventy-sixth section; and in an indictment against a Guardian or

Right of property.

Assignee under any of the said sections, the right of property in any moneys, security, matter or thing, may be laid in "the creditors of the debtor (naming him,) under the Insolvent Traders Act."

Certain Acts by debtor to be misdemeanors.

87. From and after the passing of this Act, any debtor who, with regard to his estate,—or any partner, president, director, manager, or employee of any copartnership, or of any incorporated company not specially excepted in the first section

of this Act, with regard to the estate of such copartnership or company, who shall do any of the acts or things following with intent to defraud, or to defeat the rights of his or its creditors, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the Court before which he is convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing statute.

Not truly stating causes of insolvency and not fully discovering or not delivering property, books, papers, &c.

a. If he does not upon examination fully and truly discover to the best of his knowledge and belief, all the property, real and personal, inclusive of his or its rights and credits, belonging to him or to such partnership or corporation, and how and to whom, and for what consideration, and when the same or any part thereof were disposed of, assigned or transferred, except such part has been really and *bonâ fide* before sold or disposed of in the way of his or its trade or business, or laid out in ordinary family or household expenses, and fully, clearly and truly state the causes to which his or its insolvency is owing; or does not deliver up to the Assignee, all such part thereof as is in his possession, custody or power, (except such part thereof as is exempt from seizure as hereinbefore provided,) and also all books, papers and writings in his possession, custody or power relating to his or its property or affairs;

Removing property.

b. If, within thirty days prior to the date of insolvency, he removes, conceals or embezzles any part of his or its property, to the value of fifty dollars or upwards with intent to defraud his or its creditors, or any of them;

Not denouncing false claims.

c. If, in case of any person having, to his knowledge or belief, proved a false debt against his or its estate, he fails to disclose the same to the Assignee, within one month after coming to the knowledge or belief thereof;

False schedule.

d. If, with intent to defraud, he wilfully and fraudulently omits from the schedule any effects or property whatsoever;

Withholding books, &c.

e. If, with intent to conceal the state of his or its affairs, or to defeat the object of this Act, or of any part thereof, he conceals, or prevents, or withholds the production of any book, deed, paper or writing relating to his or its property, dealings or affairs;

Concealing or falsifying books, or making false extracts therefrom.

f. If, with intent to conceal the state of his or its affairs or to defeat the object of the present Act, or of any part thereof, he parts with, conceals, destroys, alters, mutilates, or falsifies, or causes to be concealed, destroyed, altered, mutilated, or falsified, any book, paper, writing or security or document relating to his or its property, trade, dealings or affairs, or makes or is privy to the making of any false or fraudulent entry or statement in or omission from any book, paper, document or writing relating thereto;

Stating fictitious losses or expenses.

g. If, at his examination at any time, or at any meeting of creditors held under this Act, he attempts to account

for the non-production or absence of any of his or its property by representation of fictitious losses or expenses;

Disposing of goods not paid for.

h. If, within the three months next preceding the date of insolvency, he pawns, pledges, or disposes of, otherwise than in the ordinary way of trade, any property, goods or effects, the price of which remains unpaid by him during such three months.

Or filing a claim for money not due.

88. If any person knowingly files a claim on the estate of a debtor for a sum of money not due to him by the debtor or by his estate, or votes, or offers his vote at any meeting of creditors upon any such claim, or ranks, or attempts or claims to rank, on any such claim, such creditor shall forfeit and pay a sum equal to treble the value of the payment, gift, gratuity or preference so taken, received or promised, or

Penalty.

treble the amount improperly ranked for, as the case may be, and the same shall be recoverable by the Assignee for the benefit of the estate, by suit in any competent Court, and when recovered, shall be distributed as part of the ordinary assets of the estate.

Punishment of debtor receiving money, &c., and not delivering the same to Assignee.

89. If, after the date of insolvency, the debtor retains or receives any portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, or evidences of debt, or any sum or sums of money, belonging or due to him, and retains and withholds from the Guardian or afterwards from the Assignee, without lawful right, such portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, evidences of debt, sum or sums of money,

Proceedings.

the Guardian or Assignee may apply to the Judge for an order for the delivery over to him of the effects, documents,

Imprisonment for disobeying order for delivery.

or moneys so retained; and in default of such delivery in conformity with any order made by the Judge, such debtor may be imprisoned in the common gaol for such time, not exceeding one year, as the Judge may order.

Certain documents to be *primâ facie* evidence.

90. Deeds of assignment, release and transfer, made under the provisions of this Act, or in the Province of Quebec authentic copies thereof; or a duly authenticated copy of the record of the appointment of the Assignee certified by the Clerk, under the seal of the Court, shall be *primâ facie* evidence in all Courts, whether civil or criminal, of such appointment, and of the regularity of all proceedings at the time thereof, and antecedent thereto.

Offences against this Act, how tried.

91. Every offence punishable under this Act shall be tried as other offences of the same degree are triable in the Province where such offence si committed.

BUILDING AND JURY FUND.

Lieut.-Governor of Quebec to have certain powers, Con. Stat. L.C., c. 109.

98. This Act shall not interfere with the powers of the Lieutenant-Governor of the Province of Quebec in Council, with respect to imposing a tax or duty upon proceedings under this Act, which are conferred upon the Governor in

Council, by the thirty-second and thirty-third sections of the 109th Chapter of the Consolidated Statutes for Lower Canada, and by the Act of the Legislature of the late Province of Canada, intituled: "*An Act to make provision for the erection of Court Houses and Gaols in certain parts in Lower Canada.*"

99. This Act shall be known and may be cited as "*The Insolvent Traders Act.*" Short title.

FORM A.

THE INSOLVENT TRADERS ACT.

CANADA, PROVINCE OF / District of } VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith.

No.

To the Guardian (*or* Sheriff) in and for the County (*or* Judicial District, *as the case may be*) of

GREETING:

We command you, at the instance of to attach the estate and effects, moneys and securities for money, vouchers, and all the office and business papers and documents of every kind and nature whatsoever, of and belonging to if the same shall be found in (*name of district or other territorial jurisdiction*) and the same so attached, safely to hold, keep and detain in your charge and custody until the attachment thereof, which shall be so made under and by virtue of this writ, shall be determined in due course of law.

We command you also to summon the said to be and appear before Us, in our Court for at in the County (*or* District) of on the day of to show cause, if any he hath, why his estate should not be distributed under the Insolvent Traders Act, and further to do and receive what, in our said Court before Us, in this behalf shall be considered; and in what manner you shall have executed this Writ, then and there certify unto Us with your doings thereon, and every of them, and have you then and there also this Writ.

IN WITNESS WHEREOF, We have caused the Seal of our said Court to be hereunto affixed, at aforesaid , this day of in the year of Our Lord one thousand eight hundred and in the year of our Reign.

FORM B.

THE INSOLVENT TRADERS ACT.

A. B.,
Plaintiff.

C. D.,
Defendant.

A writ of attachment has issued in this cause.

(*Place* *date.*)

(*Signature.*)
Guardian.

FORM C.

THE INSOLVENT TRADERS ACT.

In the matter of A. B.,
Schedule of Creditors.

1. Direct Liabilities.				Total.
Name.	Residence.	Nature of Debt.	Amount.	
2. Indirect Liabilities, maturing before the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	
3. Indirect Liabilities, maturing after the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	
4. Negotiable paper, the holders of which are unknown.				
Date.	Name of Maker.	Names liable to Debtor.	When due.	Amount

FORM C. C.

THE INSOLVENT TRADERS ACT

In the matter of

A writ of attachment has been issued in this matter, and the creditors are notified to meet at
in on the day of
at o'clock to
receive statements of his affairs, and to appoint an Assignee.
(*Date and residence of Guardian.*)

(*Signature.*)
Guardian.

FORM D.

THE INSOLVENT TRADERS ACT.

In the matter of A. B.

This deed of release (*or* transfer) made under the provisions of the said Act between (C. D.)
Guardian in possession of the estate of the said debtor, of the first part; and (E. F.,) of the second part, witnesseth:

That whereas by a resolution of the creditors duly passed at a meeting thereof duly called and held at ,
(*or* by an order of the Judge made at)
on the day of
the said party of the second part was duly appointed Assignee to the estate of the said debtor: Now therefore these presents witness that the said party of the first part, in his said capacity, hereby releases to the said party of the second part the estate and effects of the said debtor, in conformity with the provisions of the said Act; and for the
oses therein provided.

In witness whereof, &c.,

(*This form may be adapted in the Province of Quebec to the notarial form of execution of documents prevailing there.*)

FORM E.

THE INSOLVENT TRADERS ACT.

In the matter of

(A. B. *or* A. B. & Co.)

I, the undersigned (*name and residence*), have been appointed Assignee in this matter.

(*Place.* *Date.*)

(*Signature.*)
Assignee.

FORM F.

THE INSOLVENT TRADERS ACT.

In the matter of

A. B.

In consideration of the sum of $ whereof quit; C. D., Assignee of the debtor, in that capacity hereby sells and assigns to E. F., accepting thereof, all claim by the debtor against G. H., of (*describing the debtor*), with the evidences of debt and securities thereto appertaining, but without any warranty of any kind or nature whatsoever.

C. D., Assignee.
E. F.

FORM G.

THE INSOLVENT TRADERS ACT.

In the matter of

A. B. (*or* A. B. & Co.)

A dividend sheet has been prepared, open to objection, until the day of , after which dividends will be paid.

(*Place.*) (*Date.*)

Signature of Assignee.

FORM H.

THE INSOLVENT TRADERS ACT

In the matter of
A. B.,
and
C. D.,
Claimant.

I, C. D, of , being duly sworn in depose and say:

1. I am the claimant (*or*, the duly authorized agent of the claimant in this behalf,) and have a personal knowledge of the matter hereinafter deposed to, *or* a member of the firm of claimants in the matter, and the said firm is composed of myself and of E. F.

2. The debtor is indebted to me (*or* to the claimant) in the sum of dollars, for (*here state the nature and par-*

ticulars of the claim, for which purpose reference may also be made to accounts or documents annexed.)

3. I (*or* the claimant) hold no security for the claim, (*or* I *or* the claimant hold the following, and no other, security for the claim namely: *state the particulars of the security.*)

To the best of my knowledge and belief, the security is of the value of dollars.

Sworn before me at this day of } And I have signed. *Signature.*

SCHEDULE.

TARIFF OF FEES TO BE PAID TO GUARDIANS.

For the service of any writ of attachment and for the attachment made thereunder and all duties connected therewith	$5 00
For mileage in any travel required to make such service, the rate of mileage allowed to a Bailiff or Sheriff's officer in serving ordinary writs of summons, according to the practice in the jurisdiction within which the service is made	
During his continuance in office *not to exceed twenty-one days* (*unless the appointment of an Assignee is protracted beyond that period by legal proceedings*), per day, employing no sub-guardian	1 00
If it is necessary for the safe keeping of the assets, books, or effects of the estate that they should be placed in the custody of a sub-guardian, to such sub-guardian, for each day and each night of *actual guardianship*	1 00
For printing and mailing statement and notice of meeting to each creditor, including postage	05
The net cost of advertising issue of writ	

The fees of the Notary for the deed of assignment to be charged to the Assignee and settled by him.

The costs of the attachment to be paid by the Assignee.

No. 101.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to provide for the distribution of the assets of Insolvent Traders.

Received and read, first time, Monday, 12th April, 1880.

Second reading, Tuesday, 13th April, 1880.

Mr. ABBOTT.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 102.] **BILL.** [1880.

An Act to amend the Act forty-second Victoria, chapter fifteen, intituled "An Act to alter the Duties of Customs and Excise."

IN amendment of the Act passed in the forty-second year of Her Majesty's reign, chaptered fifteen, and intituled "*An Act to alter the duties of Customs and Excise.*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble. 42 Vic., c. 15.

1. The Schedule A to the said Act, headed "Goods subject to duties," is hereby amended by striking out of it the words, expressions and figures hereinafter mentioned as to be so struck out, and by inserting therein the words, expressions and figures hereinafter mentioned as to be so inserted, with the letters and figures in the outer column having reference to the amount or rates of the duties payable under such amendments respectively, striking out of the said outer column the letters and figures referring to the former duty, and by making in the said schedule the other changes hereinafter mentioned, that is to say:— Schedule of goods subject to duty amended.

In the item concerning "Acids" after the word "Carboys" insert the words *and Demijohns*, and after the word "Acids" insert the words *Vinegar or other Liquids.*

After the words "Artificial Flowers," insert the words *and feathers*; strike out the word "thirty" and insert the words *twenty-five*..... 25 p. cent.

After the item "Artificial Flowers" insert the words *Asphaltum, mineral, ten per cent. ad valorem* ..... 10 p. cent.

After the item "Babbit Metal" insert the words, *Bagatelle Tables or Boards with cues and balls, thirty-five per cent. ad valorem*..... 35 p. cent.

In the items concerning "Billiard Tables,"—after the words "nine feet," in the second line, insert the words, *or under*, and strike out the words "five feet by ten feet," in the fourth line, and insert the words *over four feet six inches by nine feet*,—and after the words "eleven feet," in the seventh line, insert the words, *or under*, and in the eighth line strike out the words "those of six feet by twelve," and insert the words *all over five feet six inches by eleven feet*, and in the tenth line strike out the words "ten per cent," and insert the words, *fifteen per cent*..... 15 p. cent.

After "Billiard Tables" insert the words *Bird Cages of all kinds, thirty per cent. ad valorem*... 30 p. cent.

In the item "Blacking, Shoe,"—after the word "shoe" insert the words *and Shoemakers' Ink.*

Under the heading "Books" strike out the words "bound or in sheets," in the first and second line, and insert the words *not elsewhere specified*, and strike out the words "six cents per pound," in the fifth line, and insert the words *fifteen per cent. ad valorem*..... 15 p. cent.

In the item "British Copyright Works," strike out the words "six cents per pound," and insert the words *fifteen per cent. ad valorem*..... 15 p. cent.

Strike out the whole of the following paragraph:—

"Books, Periodicals and Pamphlets, imported through the Post Office, for every two ounces in weight, or fraction thereof, one cent."..... 1c. for 2 oz.

And also the following,—"Blank Books, bound or in sheets, twenty-five per cent. *ad valorem.*""25 p. cent."

And insert the following,—*Blank Books, viz.: Account Books, Copy Books, or Books to be drawn or written upon, thirty per cent. ad valorem.* 30 p. cent.

After the word "Cards," in the seventeenth line, insert the word *other*, and after the item "Playing Cards," insert the words *Valentines, Christmas and New Year's Chromo or Embossed Cards, and all others not being business or advertising cards, twenty-five per cent. ad valorem*..... 25 p. cent.

Before the item headed "Breadstuffs" insert the words *Braces or Suspenders of all kinds, twenty-five per cent. ad valorem*..... 25 p. cent.

After the items concerning "Candles" insert the words, *Cans, or packages made of tin or other material, containing fish of any kind admitted free of duty under any existing law or treaty, not exceeding one quart in contents, one cent and a half on each can or package; and when exceeding one quart, an additional duty of one cent and a half for each additional quart or fractional part thereof.*

In the item respecting "Coal," strike out the words "and bituminous," and insert as an item, *Coal, Bituminous, 60 cents per ton of 2.000 pounds*..... 60 c. p. ton.

In the item "China and Porcelain Ware,' after the word "twenty," insert the word *five*..... 25 p. cent.

After the item concerning "Coke" insert the words *Combs for dress and toilet, of all kinds, twenty-five per cent. ad valorem*..... 25 p. cent.

In the items concerning "Cottons, manufactures of," after the item "Cotton duck, &c.," insert the words *Crapes of all kinds, twenty per cent. ad valorem*..... 20 p. cent.

After the item "Fish, fresh, &c.," insert the words *Fishing Rods, thirty per cent. ad valorem*..... 30 p. cent.

And also the words *Fire-proof paint, dry, one quarter of a cent per pound* ..... ¼ ct. per lb.

After the words "Flax seed," insert the words *Flag stones, dressed, one dollar and fifty cents per ton*..... $1.50 pr.ton.

In the item concerning "Fruit, green," after the word "Grapes," strike out the word "one," and insert the word *two*..... 2 cts. per lb.

In the item concerning "Furniture," after the word "hair," strike out the word "and," and after the word "spring" insert the words *and other.*

In the items concerning "Glass and Manufactures of," after the word "pressed," insert the words *and cut glass*, and after the word "bottles," insert the words *and decanters;* after the item "Ornamented, figured," etc., insert the words *Silvered plate, twenty-five per cent. ad valorem* ..... 25 p. cent.

And in the item "Common and colourless window glass," after the word "Glass," insert the words *imitation porcelain shades.*

After the item last mentioned, insert the words *Gloves and Mitts, of cotton, leather, silk, woollen or any other material, twenty-five per cent. ad valorem* ..... 25 p. cent.

In the items under the heading "Iron and manufactures of:—

In the item commencing "Band and hoop," change the position of the words "number seventeen gauge or thinner" so that they shall follow the word "black," and precede the words "and boiler plate,"—and strike out the item "Drawn boiler tubing, ten per cent," and insert in lieu thereof the words *"Wrought iron tubing, plain, not threaded, coupled or otherwise manufactured, fifteen per cent*..... 15 p. cent.

In the item "In Slabs, blooms, loops or billets" strike out the words "twelve and one half," and insert the word *ten*..... 10 p. cent.

In the item concerning "Jewellery, etc.," strike out the words "and watches."

Before the item, "Lithographic Stones," insert the words, *Liquorice root, and paste extract of, for manufacturing purposes, twenty per cent. ad valorem*..... 20 p. cent.

Stick extract or confection, one cent per pound and twenty per cent. ad valorem..... 1 ct. per lb. and 20 p. ct.

After the item, "Malt," insert the words *Malt, extract of, for medicinal purposes, twenty-five per cent. ad valorem*..... 25 p. cent.

In the item concerning "Meats," after the sub-item "Shoulders, &c.," insert the words, *Poultry and game of all kinds, 20 per cent. ad valorem*... 20 p. cent.

After the item concerning "Meats," insert the words, *Milk food, manufactured by Henri Nestle, Dr. Gibaut, and others, and all other similar preparations, thirty per cent. ad valorem.* ..... 30 p. cent.

In the item concerning "Oil Cloth," after the word "printed," insert the words, *Table covers similarly prepared, and oiled or painted window blinds.*

In the item concerning "Organs, Cabinet," strike out the word "ten" after the words "in addition thereto," and insert the word *fifteen*..... 15 p. cent.

In the item concerning "Paints and colors," strike out the word "Bismuth."

After the item, "Paper calendered," insert the words, *Paper ruled, twenty-five per cent. ad valorem* ..... 25 p. cent.

In the item, "Paper Collars," &c., strike out the word "paper," and the words "twenty-five per cent," and after the word "fronts," insert the words, *of paper, linen or cotton, thirty per cent.* 30 p. cent.

In the item, "Pianofortes," strike out the word "ten" after the words "in addition thereto," and insert the word *fifteen*..... ..... 15 p. cent.

After the item, "Quinine," insert the words, *Quicksilver*, 10 *per cent. ad valorem*..... ..... 10 p. cent.

In the item, "Silk in the Gum," after the word, "organzine," insert the words, *and raw spun silk not colored.*

In the item "Champagne and all other Sparkling Wines," after the word "bottle" in the last line but three insert the words, *the quarts and pints in each case being old wine measure.*

Strike out the whole of the items concerning "Slate for roofing," and "Slate Slabs," and insert the following,—*Slates of all kinds, and manufactures of, not otherwise specified*, 25 *per cent. ad valorem*..... ..... 25 p. cent.

In the item, "Steel and manufactures of," strike out the figures "1881," and insert "1882."

In the item concerning "Stone," after the word "Marble" insert the words, *from the quarry, not hammered or chiselled.*

And strike out the words "Grindstones in the rough, one dollar and fifty cents per ton" and insert *Grindstones, two dollars per ton*..... $2 per ton.

Under the heading "Sugars, Syrups and Molasses,"—in the proviso respecting the "fair market value," after the word "thereof," in the third line, insert the words, *including export duty or other Government tax.*

Under the heading "Tobacco," in the item "Cigars and cigarettes," strike out the word "fifty," and insert the word *sixty.*

In the item, "Trunks," &c., strike out the words "twenty-five" and insert the word *thirty*..... 30 p. cent.

After the word "Twines," strike out the words, "Manufactures of flax and," and insert the words, *of all kinds.*

Under the heading, "Vegetables," after the item "Tomatoes," insert the words, *Tomatoes in cans, two cents per pound;* and after the words, "all

other vegetables," insert the words, *including sweet potatoes.*

In the item concerning "Watches," strike out the words, Watch movements," and after the word "twenty," insert the word, *five*, and add the item, *Watch actions or movements, twenty per cent. ad valorem* ..... 20 p cent.

Under the heading, "Wood and manufactures of," in the item "hubs, spokes, &c.," strike out the word "twenty," and insert the word *fifteen.*

Under the heading, "Wool and Woollens," after the item "Felt for glove linings, &c.," insert the following,—*Wool, class one, viz., Leicester, Cotswold, Lincolnshire, Down Combing Wools, or wools known as Lustre Wools, and other like combing wools such as are grown in Canada, three cents per pound* ..... 3 c. p. lb.

And further,—

After the item "Electro-plated ware," insert the words *Emery Wheels, twenty-five per cent. ad valorem* ..... 25 p. cent.

After the items under the heading "Glass and Manufactures of," insert the item *Gold and Silver Leaf, twenty-five per cent. ad valorem*..... 25 p. cent.

Under the heading "Gunpowder and other explosives," after the item concerning Nitro-Glycerine," insert the words *Provided that a drawback of one and a-half cents per pound may be allowed and paid on all blasting powder actually used by miners in the Province of British Columbia, during three years next after the first day of April*, 1880.

In the item concerning "Malt," strike out the words "two cents per pound," and insert the words *fifteen cents per bushel, upon entry for warehouse, subject to Excise Regulations*.....15c.pr.bush.

After the item "Paints and Colors ground in oil," insert the words *Paris Green, dry, ten per cent. ad valorem* ..... 10 p. cent.

In the item "Soap, common brown and yellow," after the word "cent," add the words *and a-half* ..... 1½ c. pr. lb.

Under the heading "Wool and Woollens," in the item "Felt for Boots and Shoes," after the word "Shoes," insert the words *and Skirts.*

Schedule of Free Goods amended.

2 The Schedule to the said Act headed "Free Goods" is hereby amended by striking out of it the words and expressions hereinafter mentioned as to be so struck out and by inserting therein the words and expressions hereinafter mentioned as to be so inserted; that is to say :—

After the word "Ammonia," strike out the word "crude," and insert the words, *sulphate of.*

In the item, "Animals for the Improvement of Stock, &c.," strike out the word "Animals," and insert the words, *Horses, cattle, sheep and swine.*

After the item, "Berries for dyeing, &c.," insert the item *Bismuth metallic.*

After the item, "Chloride of Lime," insert the item *Cinnabar.*

Strike out the item, "Gunny Cloth and Gunny Bags."

To the item, "Machinery for worsted and cotton mills, &c.," add the words, *until the first day of October*, 1880.

In the item, "Newspapers," strike out the words, "received by mail," and insert the words, *and quarterly, monthly and semi-monthly magazines, unbound,*

After the words "Paintings in Oil," insert the words, *or water colors.*

After the item, "Plaits, straw, &c.," insert the item, *Potash, Muriate of, crude.*

To the item concerning "Settlers' effects," add the words, *Provided that under regulations to be made by the Minister of Customs, live stock, when imported into Manitoba or the North-West Territory by intending settlers, shall be free, until otherwise ordered by the Governor in Council.*

In the item respecting "Steel" strike out the figures "1881" and insert "1882."

In the item, "Wool, unmanufactured, &c.," after the word "animals," insert the words, *not elsewhere specified.*

And further,—

From the item concerning Colors strike out the words "Castile," and "Paris Green."

After the item "Eggs," insert the item *Embossed books for the blind.*

From what time the said amendments shall be held to have been in force, respectively.

3. The foregoing sections of this Act shall be held to have come into force and the alterations thereby made in the schedules aforesaid, and in the duties of customs, and as to the goods subject thereto or free from duty, shall be held to have been made and the said schedules as hereby amended to have been in force, as to the amendments preceding the words "And further," in each of the said sections respectively, on the tenth day of March in the present year of our Lord one thousand eight hundred and eighty; and as to the amendments after the said words in each of the said sections respectively, on the twelfth day of April, in the said year, and to have applied and to apply to all goods imported or taken out of warehouse for consumption, on or after the said days respectively: and the laws now in force respecting the customs shall apply to the duties payable under the said Act and schedules, as hereby amended.

No. 102.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Act forty-two Victoria, chapter fifteen, intituled "An Act to alter the Duties of Customs and Excise."

Received and read, first time, Monday, 12th April, 1880.

Second reading, Tuesday, 13th April, 1880.

Sir LEONARD TILLEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 104.] **BILL.** [1880.

An Act to amend the Statute of 42 Victoria, chapter 17, relating to Stamps on Notes and Bills.

WHEREAS doubts have arisen as to the meaning of the word "cheque" in section six of the Act cited in the title of this Act, and it is expedient to remove the same: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 42 V., c. 17, s. 6.

1. After the word "cheque" in said section shall be read the following words, as if the same had been included at the time of the passing of the Act:—"order or bill of exchange, whether drawn upon a Bank or a private person or persons." Words added after "cheque" in s. 6.

No. 104.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Statute of 42 Victoria, chapter 17, relating to Stamps on Notes and Bills.

Received and read, first time, Monday, 19th April, 1880.

Second reading, Tuesday, 20th April, 1880.

Mr. COCKBURN,
(Northumberland.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 106.] **BILL.** [1880.

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

Preamble. 36 V., c. 63.

IN further amendment of the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act respecting the Harbour of Pictou, in Nova Scotia:*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 3 repealed.

Harbour commissioners to appoint the Harbour Master.

Proviso: as to present incumbent.

1. Upon, from and after the first day of July next after the passing of this Act, the third section of the said Act shall be repealed, and on or after the said day the Commissioners appointed under the second section of the said Act to have the superintendence of the Harbour and Harbour Master of the said Port, may from time to time appoint a fit and proper person to be Harbour Master of the said Port of Pictou under the said Act, all the provisions of which respecting the Harbour Master shall apply to the Harbour Master so appointed; Provided that the Harbour Master appointed under the repealed section may be re-appointed by the Commissioners, if they see fit.

No. 106.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL

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

Received and read, first time, Wednesday, 21st April, 1880.

Second reading, Thursday, 22nd April, 1880.

Mr. POPE,
(Queens, P. E. Island.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 107] **BILL.** [1880.

An Act to amend the law respecting the removal of obstructions in navigable waters, by wrecks.

Preamble.

37 V. c. 29.

IN amendment of the Act passed in the thirty-seventh year of Her Majesty's reign and intituled: "*An Act for the removal of obstructions, by wrecks and like causes, in the navigable waters of Canada, and other purposes relative to wrecks*:" Her Majesty, by and with the advice and consent of the Senate and the Legislative Assembly of Canada, enacts as follows:—

Cost or balance of cost of removal may be recovered from owner of wreck, if the amount for which the wreck is sold does not cover it

1. Whenever, under the provisions of the Act cited in the preamble, the Minister of Marine and Fisheries has, under the authority of an Order of the Governor in Council, caused any obstruction or impediment to the navigation of any navigable water by the wreck, sinking or lying ashore or grounding of any vessel, craft, or part thereof, or other thing to be removed, and the cost of removing the same has been defrayed out of the public moneys of the Dominion,—then if the nett proceeds of the sale under the said Act of such vessel, craft, or its cargo, or the material or thing which caused or formed part of such obstruction, are not sufficient to make good the expenses incurred for the purposes aforesaid, and the costs of sale,—the amount by which such proceeds fall short of the expenses so defrayed as aforesaid, and costs of sale, or the whole amount of such expenses, if there is nothing which can be sold as aforesaid, shall be recoverable with costs by the Crown from the owner or owners of the vessel, craft, or other thing which caused such obstruction or impediment, and the sum so recovered shall form part of the Consolidated Revenue Fund of Canada.

No. 107.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the law respecting the removal of obstructions in navigable waters, by wrecks.

Received and read first time, Wednesday, 21st April, 1880.

Second reading, Thursday, 22nd April, 1880.

HON. MR. POPE
(Queens, P.E.I.).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 108.] **BILL.** [1880.

An Act for extending the Consolidated Act of 1879, respecting duties imposed on promissory notes and bills of exchange, to the whole Dominion.

Preamble.

FOR the avoidance of all doubt as to the application of the Act hereinafter mentioned in and to certain Provinces of Canada: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The Act 42 Vic., c. 17, extended to the whole Dominion.

1. The Act passed in the forty-second year of Her Majesty's reign, chaptered seventeen, and intituled "*An Act to amend and consolidate the laws respecting duties imposed on promissory notes and bill of exchange*," shall extend and apply to and in the Provinces of Manitoba, British Columbia and Prince Edward Island, the North-West Territories and the District of Keewatin, as it does to the Provinces of Quebec, Ontario, Nova Scotia and New Brunswick; but this Act shall not be construed as declaring that the said Act was, or was not, in force, in the three Provinces first above mentioned, or the North-West Territories or District of Keewatin, from the time of its passing.

Proviso.

No. 108.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act for extending the Consolidated Act of 1879, respecting duties imposed on promissory notes and bills of exchange, to the whole Dominion.

Received and read, first time, Thursday, 22nd April, 1880.

Second reading, Friday, 23rd April, 1880.

Hon. Mr. BABY.

OTTAWA.

PRINTED BY MACLEAN, ROGER & CO

1880.

No. 109.] **BILL.** [1880

An Act to authorize the raising of a further sum to enable the Quebec Harbour Commissioners to complete their Tidal Dock.

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

A further sum of $250,000 may be raised by Governor in Council.

1. In addition to the sum authorized by the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered sixty-two, and intituled "*An Act further to amend the Acts to provide for the management and improvement of the Harbour of Quebec*," to be raised in the manner hereinafter mentioned, for the relief of the Quebec Harbour Commissioners and the improvement of the said Harbour, it shall be lawful for the Governor in Council to raise, by the issue of debentures bearing interest payable half-yearly at a rate not exceeding *five* per cent. per annum, a further sum of two hundred and fifty thousand dollars.

And advanced for completion of tidal dock at Quebec.

2. The sum so raised may be advanced from time to time to the said Commissioners to enable them to complete their Tidal Dock, now under contract in the said Harbour, according to the plan approved by the Minister of Public Works in November, 1875

Repayment by commissioners of sums advanced.

3. The repayment by the Commissioners of the sums so advanced shall be provided for in the manner prescribed by the Act above cited for the repayment of the sums advanced to the Commissioners under it, and subject to the provisions of the said Act in that behalf.

No. 109.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to authorize the raising of a further sum to enable the Quebec Harbour Commissioners to complete their Tidal Dock.

Received and read, first time, Thursday, 22nd April, 1880.

Second Reading, Friday, 23rd April, 1880.

Sir LEONARD TILLEY.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 110.] **BILL.** [1880.

An Act to enable the Harbour Commissioners of Montreal to pay a life annuity to the Widow of the late Honorable John Young.

Preamble.

WHEREAS in consideration of the services of the late Honorable John Young, as Chairman and Member of the Corporation of the Harbour Commissioners of Montreal, for a period of nearly twelve years, in the course of which improvements in the navigation of the River St. Lawrence of the greatest importance to the commerce of the Dominion were effected under his superintendence and by his unwearied exertions, made gratuitously during more than nine years; it is expedient to give effect to the unanimous wish expressed by the present Commissioners to mark their high esteem of Mr. Young's worth and services in the manner hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Annuity to be paid out of Harbour funds, &c.

1. The Harbour Commissioners of Montreal shall pay out of the funds of the Corporation to Mrs. Young, widow of the said late Honorable John Young, during her life, an annuity equal to the yearly interest at six per cent. per annum of the sum of ten thousand dollars, to be reckoned and paid as from the time of Mr. Young's decease, the arrears thereof being payable on and up to the *first day of July next*, and the annuity to be paid thereafter by *quarterly* payments of one hundred and fifty dollars each, on the first day of October, January, April and July in each year.

Accounting clause.

2. The due application of moneys paid by the said Commissioners under this Act, shall be accounted for in the manner provided by law with respect to other moneys expended by them.

No. 110.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to enable the Harbour Commissioners of Montreal to pay a life annuity to the Widow of the late Honorable John Young.

Received and read, first time, Thursday, 22nd April, 1880.

Second reading, Friday, 23rd April, 1880.

Rt Hon. Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 113.] **BILL.** [1880.

An Act to authorize making certain investigations under oath.

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

1. It shall be lawful for a Minister presiding over any Department of the Civil Service of Canada, with the authority of the Governor in Council, to appoint at any time a Commissioner, or Commissioners, to investigate and report upon the state and management of the business, or any part of the business, of such Department, either in the inside or outside service thereof, and the conduct of any person in such service, so far as the same may relate to his official duties Such Commissioner, or Commissioners, shall have power, for the purposes of the investigation, o enter into and remain within any public office or institution and have access to every part thereof, and to examine all papers, documents, vouchers, records and books of every kind belonging thereto. Such Commissioner, or Commissioners, shall have power to summon before him or them any party or witness and to require him to give evidence on oath, orally or in writing, or on solemn affirmation, if he be entitled to affirm in civil matters. Any such Commissioner shall have power to administer such oath or affirmation.

Minister may appoint Commissioner to investigate management of business of his Department.

Powers of Commissioner.

To summon witnesses and examine on oath.

2. Any such Commissioner, or Commissioners, may under his or their hand or hands issue a subpœna or other request or summons, requiring and commanding any person therein named to appear at the time and place mentioned therein, and then and there to testify to all matters within his knowledge, relative to the subject matter of such investigation, and to bring with him and produce any document, book, paper, or thing which he may have in his possession, or under his control, relative to any such matter as aforesaid; and any such witness may be summoned from any part of Canada by virtue of such subpœna, request or summons. Reasonable travelling expenses shall be paid to any person so summoned at the time of service of the subpœna, request or summons.

May issue summons or subpœna *duces tecum*.

To any part of Canada.

Tender of expenses.

3. If, by reason of the distance at which any person, whose evidence is desired resides from the place where his attendance is required, or for any other cause, the Commissioner or Commissioners deem it advisable, he or they may issue a commission or other authority to any officer or person therein named, empowering him to take such evidence and report the same to him or them; and such officer or

May appoint Commissioner under him, to take evidence.

Powers of Commissioner so appointed

person, being first sworn before some Justice of the Peace faithfully to execute the duty entrusted to him by such commission, shall, with regard to such evidence, have the same powers as the Commissioner or Commissioners would have had if such evidence had been taken before him or them, and may, in like manner, under his hand issue a subpœna or other request or summons for the purpose of compelling the attendance of any person, or the production of any document, book, paper or thing.

Penalty on persons summoned as witnesses failing to attend and give evidence, &c.

4. If any person required to attend in the manner hereinbefore provided, fails, without valid excuse, to attend accordingly, or being commanded to produce any document, book, paper or thing in his possession, or under his control, fails to produce the same, or refuses to be sworn or to affirm, as the case may be, or to answer any proper question put to him by a Commissioner, or other person as aforesaid, such person shall be guilty of an offence against this Act, and shall, upon conviction thereof in a summary way before any Police or Stipendiary Magistrate or Judge of a Superior or County Court having jurisdictson in the county or district in which such person resides, or in which the place is at which he was so required to attend, be liable to a fine not exceeding *four hundred dollars*.

Proceedings for offences against this Act to be governed by 32, 33 Vic., c. 31.

5. The provisions of the Act passed in the thirty-second, thirty-third year of Her Majesty's reign, chapter thirty-one and intituled "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to Summary Convictions and orders,*" shall apply to and govern proceedings against any person for an offence against this Act, and the Judge of the Superior or County Court aforesaid shall for the purposes of this Act be a Justice of the Peace.

No. 113.

2nd Session, 4th Parliament, 43 Vi

BILL

An Act to authorize maki
investigations under o

Received and read first time, M
April, 1880.

Second reading, Tuesday, 27th A

Hon. Mr. McDo

OTTAWA:

PRINTED BY MACLEAN, ROG

1880.

No. 114.] **BILL.** [1880.

An Act further to amend the Acts respecting Dominion Notes.

Preamble.

WHEREAS it is expedient to make further provision respecting the issue of Dominion Notes: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act 38 V., c. 5 and others limiting amount of Dominion Notes repealed, and amount limited to $20,000,000.

1. So much of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act further to amend the Acts regulating the issue of Dominion Notes*," or of any other Act now in force, as limits the amount of Dominion Notes to be issued and outstanding at any time to twelve million dollars, or as fixes the amount to be held in specie for the redemption of any such notes, is hereby repealed, and the amount of Dominion Notes issued and outstanding at any time may by Order in Council founded on a report of the Treasury Board, be increased to but shall not exceed twenty million dollars, by amounts not exceeding one million dollars at one time, and not exceeding four million dollars in any one year: Provided that the Minister of Finance shall always hold for securing the redemption of such notes issued and outstanding, an amount in gold, or in gold and Dominion securities guaranteed by the Government of the United Kingdom, equal to not less than twenty-five per cent. of the amount of such notes, at least fifteen per cent. of the total amount of such notes being so held in gold; and provided also that the said Minister shall always hold for the redemption of such notes an amount equal to the remaining seventy-five per cent. of the total amount thereof, in Dominion debentures issued by authority of Parliament.

Proviso: amount in gold and guaranteed Dominion securities to be held for redemption. And in unguaranteed Dominion debentures.

Debentures may be delivered to Minister of Finance, and disposed of by him for the purposes of this Act.

2. Debentures of the Dominion may be issued and delivered to the Minister of Finance, for the general purposes of this Act and to enable him to comply with its requirements, such debentures being held as aforesaid for securing the redemption of Dominion Notes, and the said Minister having full power to dispose of them, and of the guaranteed debentures aforesaid, either temporarily or absolutely, in order to raise funds for such redemption, and for the purpose of procuring the amounts of gold required to be held by him under this Act; but nothing herein contained shall be construed to authorize the issue of debentures not otherwise authorized by Parliament, or any increase of the debt of the Dominion beyond the amount so authorized.

Proviso.

Minister of Finance to publish monthly statements under this Act.

3. The Minister of Finance shall publish monthly in the *Canada Gazette* a statement of the amount of Dominion Notes outstanding on the last day of the preceding month, and of the gold, guaranteed debentures and unguaranteed debentures then held by him for securing the redemption thereof, distinguishing the amounts of each so held at each of the cities at which Dominion Notes are redeemable; such statements being made up from returns to be made by the branch offices, bank or banks, at which such notes are redeemable, to the said Minister.

Offices for redemption at certain cities.

4. The Governor may, in his discretion, establish branch offices of the Receiver General's Department at Winnipeg, Charlottetown and Victoria, respectively, or any of them, for the redemption of Dominion Notes, or may make arrangements with any chartered bank or banks for the redemption thereof at the said cities, in like manner as he may now do at the cities of Montreal, Toronto, Halifax and St. John (N.B.) and under like provisions: Provided that any Assistant Receiver General appointed at any of the said cities under the Act of the thirty-fourth Victoria, chapter six, shall be an agent for the issue and redemption of such notes.

Proviso: under 34 V., c. 6, s. 19.

Repeal of inconsistent enactments now in force. 31 V., c. 46.

33 V., c. 10.

5. So much of the hitherto unrepealed portions of the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty-six, and intituled "*An Act to enable Banks in any part of Canada to use notes of the Dominion instead of issuing notes of their own*," or of the Act passed in the thirty-third year of Her Majesty's reign, and intituled "*An Act to amend the Act* 31 *Victoria, chapter* 46, *and to regulate the issue of Dominion Notes*," as is inconsistent with the provisions of this Act or makes any provision in any matter provided for by this Act, is hereby repealed; but the provisions of the said Acts not hitherto repealed and not inconsistent with this Act shall remain in force and apply to Dominion Notes issued or re-issued under the authority thereof or of this Act; and such notes shall be a legal tender in every part of the Dominion except at the offices at which they are respectively made payable; the proceeds thereof shall form part of the Consolidated Revenue Fund of Canada; and the expenses lawfully incurred under the said Acts or this Act shall be paid out of the said fund.

Provisions not inconsistent with this Act to apply.

No. 114.

2nd Session, 4th Parliament, 43 Vi

BILL.

An Act further to amend th
specting Dominion No

Received and read, first time, M
April, 1880.

Second reading, Tuesday, 27th A

Hon. Sir LEONARD

OTTAWA:
PRINTED BY MACLEAN, ROG
1880.

No 115.] **BILL.** [1880.

An Act to amend "An Act relating to Banks and Banking," and to continue for a limited time the charters of certain Banks to which the said Act applies.

Preamble.

WHEREAS it is expedient further to amend the Act passed in the thirty-fourth year of Her Majety's reign, chaptered five, and intituled "*An Act relating to Banks and Banking*," and to continue for a limited time the charters of the Banks to which it applies, subject to the provisions hereinafter made: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

34 V., c. 5.

Application of this Act, and 34 V., c. 5 as amended.

1. This Act shall apply to every Bank to which the Act cited in the Preamble applies, and to such Banks and their branches in every part of the Dominion; and the expression "*The Bank Act*," when used in this Act means the Act cited in the Preamble, as amended by any subsequent Act; and the expression "any Bank" or "the Bank" means a Bank to which the Bank Act applies.

Section 26 amended.

2. Section twenty-six of the Bank Act is hereby amended by adding the following thereto as a subsection thereof:—

Non-liability of persons holding stock as representing others: if so entered in the Bank books.

(2) No person holding stock in any Bank as executor administrator, guardian or trustee, of or for any person named in the books of the Bank as being so represented by him or her, shall be personally subject to any liabilities as a stockholder, but the estate and fund in his or her hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust-funds would be, if living and competent to hold the stock in his or her own name. But if such testator, intestate, ward or person so represented is not so named in the books of the Bank, the executor, administrator, guardian or trustee shall be personally liable in respect of such stock, as if he or she held it in his or her own name as owner thereof.

But not otherwise.

Section 14 amended.

3. Section fourteen of the said Act is hereby amended by substituting the words "forty per cent." for the words "one-third."

New form of monthly returns.

4. Instead of the form substituted by the Act thirty-sixth Victoria, chaptered forty-three, for that given in the thirteenth section of the Bank Act as that in which the monthly returns to be made to the Government by any Bank are to be made up, the following form shall be substituted for all

such returns to be made upon or after the first day of July in the present year 1880; and all the provisions of the said thirteenth section and of the Bank Act, shall apply accordingly:—

Return of the Liabilities and Assets of the
on the day of A.D. 18

Capital authorized.....$
Capital subscribed.....$
Capital paid up .....$

LIABILITIES.

1. Notes in circulation.....$
2. Dominion Government deposits payable on demand.....
3. Dominion Government deposits payable after notice or on a fixed day.....
4 Deposits held as security for the execution of Dominion Government contracts and for Insurance Companies.....
5. Provincial Government deposits payable on demand.....
6. Provincial Government deposits payable after notice or on a fixed day.....
7. Other deposits payable on demand.....
8. Other deposits payable after notice or on a fixed day.....
9. Loans from other Banks in Canada secured.....
10. Loans from other Banks in Canada unsecured.....
11. Due to other Banks in Canada....
12. Due to Agencies of the Bank or to other Banks or Agencies in foreign countries.....
13. Due to Agencies of the Bank, or to other Banks or Agencies in the United Kingdom.....
14. Liabilities not included under foregoing heads.....

$

ASSETS.

1. Specie.....$
2. Dominion notes.....
3. Notes of and checks on other Banks.....
4. Balances due from other Banks in Canada.....

5. Balances due from Agencies of the Bank or from other Banks or Agencies in foreign countries..
6. Balances due from Agencies of the Bank or from other Banks or Agencies in the United Kingdom.....
7. Dominion Government debentures or stock.....
8. Provincial, British or Foreign or Colonial public securities other than Canadian.....
9. Loans to the Government of the Dominion.....
10. Loans to Provincial Governments
11. Loans, discounts or advances for which the stock, bonds or debentures of municipal or other Corporations, or Dominion, Provincial, British or Foreign or Colonial public securities other than Canadian, are held as collateral securities .....
12. Loans, discounts or advances on current account to Municipal Corporations.....
13. Loans, discounts, or advances on current account, to other corporations .....
14. Loans to other Banks secured on their bills receivable.....
15. Loans to other Banks unsecured.
16. Other current loans, discounts and advances to the public.....
17. Notes and bills discounted overdue and not specially secured
18. Overdue debts secured by mortgage or other deed on real estate, or by deposit of or lien on stock, or by other securities
19. Real estate the property of the Bank (other than the Bank premises) .....
20. Mortgages on real estate sold by the Bank. .....
21. Bank premises.....
22. Other assets not included under the foregoing heads ....

_____

$

_____

Aggregate amount of loans to Directors, and to firms or partnerships in which they or any of them have any interest, $

Average amount of specie held during the month, $

Average amount of Dominion Notes held during the month, $

I declare that the above Return has been prepared under my directions and is correct according to the books of the Bank.

Chief Accountant.

We declare that the foregoing Return is made up from the books of the Bank, and that to the best of our knowledge and belief it is correct and shews truly and clearly the financial position of the Bank ; and we further declare that the Bank has never at any time during the period to which the said Return relates, held less than forty per cent. of its cash reserves in Dominion notes.

(*Place.*) this day of

A. B., *President.*
C. D., *General Manager*

In addition to the returns specified in this section, the Minister of Finance shall also have power to call for special returns from any particular Bank, whenever, in his judgment, the same are necessary in order to a full and complete knowledge of its condition.

Section 42 amended.

5. The forty-second section of the Bank Act is hereby amended by striking out the words " at the suit of the Bank," in the second line, and inserting instead thereof the words " in insolvency, or as belonging to any debtor to the Bank."

Section 45 to 50 repealed and new substituted.

6. Sections forty-five, forty-six, forty-seven, forty-eight, forty-nine, and fifty, are repealed and the following sections inserted in their stead respectively, as part of the Bank Act.

Interpretation of "goods, &c."

"**45**. For the purposes of this Act, the words " goods, wares and merchandize," when used therein, shall be held to comprise, in addition to the things usually understood thereby, timber, deals, boards, staves, saw logs, and other lumber, petroleum, crude oil, and all agricultural produce and other articles of commerce ; and the words " warehouse receipt" when used herein shall be held to mean any receipt given by any person, firm or company for any goods, wares or merchandize in his or their possession as bailee or bailees. and not as of his or their own property, and shall comprise receipts from any person who is the keeper of any harbor, cove, pond, wharf, yard, warehouse, shed, storehouse, tannery, mill or other place in Canada, for goods, wares or merchandize being in the place or in one or more of the places so kept by him, whether such person is engaged in other business or not, and shall also comprise specifications of timber. The words " bill of lading," when used herein, shall comprise all receipts for goods, wares or merchandize, accompanied by an obligation to transport the same from the place where they were received to some other place, whether by land or water, or partly by land and partly by water, and by any mode of carriage whatever : and the words " ship " or " shipment" shall be held to mean the delivery of any article, for transport as aforesaid.

"Warehouse receipt."

"Bill of lading."

"Ship" or "shipment."

"**46**. The bank may acquire and hold any warehouse receipt or bill of lading, as collateral security for the payment of any debt or obligation incurred in its favor in the course of its banking business; and the warehouse receipt or bill of lading so acquired shall vest in the bank, from the date of the acquisition thereof, all the right and title of the previous holder or owner thereof, or of the person from whom such goods, wares and merchandize were received or acquired by the bank, if the warehouse receipt or bill of lading is made directly in favour of the bank instead of to the previous holder or owner of such goods, wares and merchandize And if the previous holder of such warehouse receipt or bill of lading be the agent of the owner of the goods, wares and merchandize mentioned therein, within the meaning of the fifty-ninth chapter of the Consolidated Statutes of the late Province of Canada, (which, as respects such meaning, shall apply to all the Provinces of Canada), then the bank shall be vested with all the right and title of the owner thereof, subject to his right to have the same re-transferred to him, if the debt as security for which they are held by the bank, be paid. And on shipment of any goods, wares or merchandize for which a bank holds a warehouse receipt, it may surrender such receipt and receive a bill of lading in exchange therefor; or on the reception of any goods, wares and merchandize for which it holds a bill of lading, it may surrender such bill of lading, store such goods, wares and merchandize, and take a warehouse receipt therefor; or ship them or part of them, and take another bill of lading therefor."

Bank may acquire and hold warehouse receipts or bills of lading as collateral security.

If the previous holder thereof was agent of the owner.

Exchange of warehouse receipts for bill of lading, and *vice versa*.

"**47**. If any person granting a warehouse receipt or bill of lading is engaged in the calling, as his ostensible business, of keeper of a yard, cove, wharf or harbour, or of warehouseman, miller, saw-miller, maltster, manufacturer of timber, wharfinger, master of a vessel or other carrier by land, or by water, or by both, curer or packer of meat, tanner, dealer in wool, or purchaser of agricultural produce, and is at the same time the owner of the goods, wares and merchandize mentioned in such warehouse receipt or bill of lading, any such warehouse receipt or bill of lading, and the right and title of the bank thereto and to the goods, wares and merchandize mentioned therein, shall be as valid and effectual as if such owner, and the person making such warehouse receipt or bill of lading, were different persons."

If the person granting warehouse or receipt or bill of lading is the owner of the goods.

"2. In the event of the non-payment or non-performance at maturity of any debt or obligation secured by a warehouse receipt or bill of lading, the bank may sell the goods, wares and merchandize mentioned therein, or so much thereof as will suffice to pay such debt with interest and costs, returning the overplus, if any, to the person from whom such warehouse receipt or bill of lading, or the goods, wares and merchandize mentioned therein, as the case may be, were acquired; but such power of sale shall be subject to the provisions hereinafter made."

Power of sale in case of non-payment of advances.

Lien of Bank on goods into which articles pledged to it which have been converted.

"**48.** If any manufacturer of woollen or cotton goods, or sawn lumber, any miller, maltster, tanner, or packer or curer of meat, grants a warehouse receipt for any wool, cotton, or cotton yarn, timber or saw logs, grain or pulse, hides, hogs, or beef cattle, which may be converted into a different article of commerce while held thereunder, such warehouse receipt shall vest in any bank which shall be or become the lawful holder thereof, all the right and title to such article of commerce, which such bank acquired under such warehouse receipt to the material so converted, described in such warehouse receipt; and shall continue to hold the same and all such right and title, for the same purposes and upon the same conditions, as those upon which it previously held such material."

Lien of Bank to be prior to that of unpaid vendor.

"**49.** All advances made on the security of any bill of lading or warehouse receipt, shall give and be held to give to the bank making such advances a claim for the repayment of such advances on the goods, wares or merchandize therein mentioned, or into which they have been converted prior to and by preference over the claim of any unpaid vendor, any law usage or custom to the contrary notwithstanding."

Conditions of sale by Bank without the consent of the owner.

"**50.** No sale without the consent in writing of the owner, of any timber, boards, deals, staves, saw logs or other lumber, shall be made under this Act until, nor unless, notice of the time and place of such sale shall have been given by a registered letter, mailed in the Post Office to the last known address of the pledger thereof, at least thirty days prior to the sale thereof; and no goods, wares or merchandize, other than timber, boards, deals, staves, saw logs or other lumber, shall be sold by the bank under this Act without the consent of the owner, until, or unless, notice of the time and place of sale has been given by a registered letter, mailed in the Post Office to the last known address of the pledger thereof, at least ten days prior to the sale thereof; and every such

Sale must be advertised.

sale without consent of the owner, shall be made by public auction after a notice thereof by advertisement, stating the time and place thereof, in at least two newspapers published in or nearest to the place where the sale is to be made, and if such sale be in the Province of Quebec, then at least one of such newspapers shall be a newspaper published in the English language, and one other such newspaper shall be a newspaper published in the French language.

Section 51 repealed.

7. Section fifty-one of the Bank Act is hereby repealed and the following substituted for it:—

New Section. Lien of Bank on stock and dividends of stockhold for debts or liabilities to it.

"**51.** The Bank shall not make loans or grant discounts on the security of its own stock, but shall have a privileged lien for any debt or liability for any debt to the bank, on the shares and unpaid dividends of the debtor or party so liable, and may decline to allow any transfer of the shares of such debtor or party until such debt is paid, and if such debt is not paid when due the Bank may sell such shares, after notice has been given to the holder thereof, of the intention of the Bank to sell the same, by mailing such notice in the

post office to the last known address of such holder, at least thirty days prior to such sale; and upon such sale being made, the President, Vice-President, Manager or Cashier shall execute a transfer of such shares to the purchaser thereof in the usual transfer book of the Bank, which transfer shall vest in such purchaser all the rights in or to such shares which were possessed by the holder thereof, with the same obligation of warranty on his part as if he were the vendor thereof, but without any warranty from the Bank or by the officer of the Bank executing such transfer:"

What collateral securities the Bank may hold for advances, &c.

"And nothing in this Act contained shall prevent the Bank from acquiring and holding as collateral security for any advance by or debt to the Bank, or for any credit or liability incurred by the Bank to or on behalf of any person (and either at the time of such advance by, or the contracting of such debt to the Bank, or the opening of such credit, or the incurring of such liability, by the Bank), Dominion, Provincial, British, or Foreign public securities, or the stock, bonds or debentures of Municipal or other Corporations except Banks; and such bonds, debentures, or securities, may, in case of default to pay the debt for securing which they were so acquired and held, be dealt with, sold and conveyed, in like manner and subject to the same restrictions as are herein provided in respect of stock of the Bank on which it has acquired a lien under this Act; This provision may, however, be departed from or varied by any agreement between the Bank and the owner of such stock, bonds, debentures or securities, made at the time at which such debt was incurred, or if the time of payment of such debt has been extended, then by an agreement made at the time of such extension."

Sale in case of default.

Provision may be varied by agreement.

Part of 42 V., c. 45(numbering of shares) repealed.

8. Sections three, four, five and six of the Act passed in the forty second year of Her Majesty's reign, chaptered forty-five, and intituled "*An Act to amend the Act relating to Banks and Banking under the Acts amending the same*," and chapter fifty-five of the Consolidated Statutes of the late Province of Canada, intituled "*An Act respecting Banks and freedom of Banking*," are hereby repealed, except as to rights acquired, offences committed or liabilities incurred before the passing of this Act.

And chap. 55 of Con. Stat. Canada.

Exception.

Charters of certain Banks continued to 1 July, 1891.

9. The charters or Acts of incorporation of the several Banks mentioned in the Schedule to this Act, to all which the Bank Act applies, are hereby continued and shall remain in force, subject to the provisions of the Bank Act and of this Act, until the first day of July, in the year of our Lord one thousand eight hundred and ninety-one, except in so far as they or any of them may be or become forfeited or void under the terms thereof or of the Bank Act or any other Act passed or to be passed in that behalf, by non-performance of the conditions of such charters respectively, insolvency or otherwise.

Except in so far as avoided by insolvency or otherwise.

After 1 July, 1891.

10. After the time when the charters of the said Banks respectively would have expired if they had not been continued by this Act,—

Notes to be first charge on assets.

(1.) The payment of the notes issued by any such Bank and intended for circulation, then outstanding, shall be the first charge upon the assets of the Bank in case of its insolvency:

No note under $5 or other than a multiple of $5.

(2.) No bank note for a sum less than five dollars, or for any sum not being a multiple of five dollars, shall be issued or re-issued by any such Bank, and all notes for a less sum than five dollars or not being such multiple as aforesaid, heretofore issued shall be called in and cancelled as soon as may be practicable.

Payments in Dominion Notes.

(3.) Any such Bank when making any payment, shall, on the request of the person to whom the payment is to be made, pay the same, or such part thereof not exceeding fifty dollars as such person may request, in Dominion Notes for one or for two dollars each, at the option of the receiver.

Renewal of proxies.

(4.) No appointment of a proxy to vote at any meeting of the shareholders of the Bank shall be valid for that purpose, unless made or renewed in writing within the three years next preceding the time of such meeting.

As to Bank of B.N.A.

(5.) The provisions in this section shall, from and after the first day of July, 1881, apply to the Bank of British North America, which by the terms of its present charter is to be subject to the general laws of the Dominion with respects to Banks and Banking.

SCHEDULE.

BANKS WHOSE CHARTERS ARE CONTINUED BY THIS ACT.

1. The Bank of Montreal.
2. The Quebec Bank.
3. La Banque du Peuple.
4. *The Consolidated Bank.*
5. Molson's Bank.
6. The Bank of Toronto.
7. The Ontario Bank.
8. The Eastern Townships Bank.
9. La Banque Nationale.
10. La Banque Jacques Cartier.
11. The Merchants' Bank of Canada.
12. The Union Bank of Lower Canada.
13. The Canadian Bank of Commerce.
14. *The Mechanics' Bank.*
15. The Dominion Bank.
16. The Merchants' Bank of Halifax.
17. The Bank of Nova Scotia
18. The Bank of Yarmouth.
19. *The Bank of Liverpool.*
20. The Exchange Bank of Canada.
21. *The Banque Ville Marie.*
22. The Standard Bank of Canada.

23. The Bank of Hamilton.
24. The Halifax Banking Company.
25. The Maritime Bank of the Dominion of Canada.
26. The Federal Bank of Canada.
27. La Banque d'Hochelaga.
28. *The Stadacona Bank.*
29. TheImperial Bank of Canada.
30. The Pictou Bank.
31. La Banque de St. Hyacinthe.
32. The Bank of Ottawa.
33. The Bank of New Brunswick.
34. The Exchange Bank of Yarmouth.
35. The Union Bank of Halifax.
36. The People's Bank of Halifax.

NOTE.—*Those printed in Italics are said to be in course of liquidation.*

No. 115.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend "An Act relating to Banks and Banking," and to continue for a limited time the charters of certain Banks to which the said Act applies.

Received and read, first time, Monday, 26th April, 1880.

Second reading, Tuesday, 27th April, 1880.

(*Corrected Copy.*)

Hon. Sir LEONARD TILLEY.

OTTAWA.

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 116.] **BILL.** [1880.

An Act to amend "The Pilotage Act, 1873."

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

36 V., c. 54, sub-sec. 4 of section 18 amended. **1.** Sub-section four of section eighteen of "*The Pilotage Act*, 1873" is hereby amended by inserting tbe words "and to provide for the annual renewal of such licenses," after the word "apprentices" in the second line of the said sub-section

Existing licences to be in force only one year after passing of Act, unless renewed. **2.** No license granted before the passing of this Act to any pilot shall be in force for more than one year after the passing of this Act; and no license which may be hereafter granted to any pilot shall be in force for more than one year from the date thereof, unless the same is renewed, as it may be from time to time, by an endorsement under the hand of the secretary or other officer of the Pilotage Authority by whom such license was granted, or of the Pilotage Authority in whose district such pilot is legally acting and discharging the duties of a pilot for the time being: Provided also, that any Pilotage Authority may refuse to renew any such license.

Proviso.

Fees for renewal and how applied. **3.** All pilots shall pay to the Pilotage Authority of the respective districts for which they are licensed, or as such Authority directs, such fees upon such renewals as may be, from time to time, fixed for that purpose by such Authority with the consent of the Governor in Council; such fees to be applied in the manner prescribed by the sixty-seventh section of the said Act.

First schedule to Act, amended. **4.** The first schedule to the said Act is hereby amended by adding to the note at the bottom thereof, after the word "transferred," the words "and must be renewed within one year from the date hereof."

No licensed pilot to be appointed or act as Harbour Master. **5.** No licensed pilot shall be hereafter appointed to act as Harbour Master of any port unless he first surrenders his license; and no licensed pilot now acting as Harbour Master shall continue to be or act as a Harbour Master after the passing of this Act.

Section 34 repealed. **6.** Section thirty-four of the said Act is hereby repealed.

Act to apply to Quebec only. **7.** This Act shall apply to the Province of Quebec only.

No. 116.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend "The Pilotage Act, 1873."

Received and read, first time, Tuesday, 27th April, 1880.

Second reading, Wednesday, 28th April, 1880.

Mr. POPE,
(Queen's, P.E.I.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 117.] **BILL.** [1880.

An Act to repeal the Act 42 Victoria, chapter 5, for granting an annual subsidy towards certain telegraphic communication.

WHEREAS it has been found expedient to make other provision for the purposes of the Act hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Act passed in the forty-second year of Her Majesty's reign, and intituled "*An Act for granting an annual subsidy towards the construction and maintenance of telegraphic communication to and upon Anticosti and the Magdalen Islands*," is hereby repealed. The Act 42 V., c. pealed.

No. 117.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to repeal the Act 42 Victoria, chapter 5, for granting an annual subsidy towards certain telegraphic communication.

Received and read, first time, Wednesday, 28th April, 1880.

Second reading, Thursday, 29th April, 1880.

Hon. Mr. LANGEVIN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 118.] **BILL.** [1880.

An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway.

Preamble.

WHEREAS a resolution was passed on the eleventh day of August, one thousand eight hundred and seventy-five, by the directors of the North Shore Railway Company, and subsequently, to wit: on the second day of November following, the said resolution was ratified and confirmed by a resolution of the shareholders of the Company, purporting to vest and convey all the property of the said Railway Company in and to the Province of Quebec, and to vest in Her Majesty all the property and rights of the said corporation, consisting in part of an incomplete Railway between the cities of Quebec and Montreal, and all subsidies, subscriptions and bonuses granted or subscribed to and in favor of the said Railway Company, to and for the public uses of the Province of Quebec. And whereas, by a deed passed on the sixteenth day of November, one thousand eight hundred and seventy-five, before Louis Napoleon Dumouchel, Notary Public, the Montreal, Ottawa and Western Railway Company, under the authority of a resolution of the shareholders thereof passed at a special general meeting thereof called for the purpose, and upon the terms and conditions therein contained, ceded and conveyed to the Government of the Province of Quebec, all the property and rights of the said last mentioned Company and specially all the right, title and interest of the said Company in a certain incomplete railway then in course of construction between the city of Montreal and the Village of Aylmer, together with the St. Jérome Branch thereof, as well as all lands acquired or expropriated for right of way and other purposes in connection with the said railway, and the bridges, piers, fences and other dependencies forming part of or necessary to the said railway, together, also, with all debts due to the said Company, and all subsidies, subscriptions and bonuses granted and subscribed, to and in favor of the said Company. And whereas, doubts have arisen as to the authority of the said companies to pass the said resolutions and to execute the said deed; and it is expedient to remove such doubts:—Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Resolutions of North Shore Railway Company of 11th August, 1875.

Notarial deed of Montreal, Ottawa & Western Railway Company of 16th November, 1875.

Doubts recited.

1. The resolutions of the North Shore Railway Company mentioned in the preamble of this Act, purporting to vest in Her Majesty for the public use of the Province of Quebec, the said subsidies, subscriptions and bonuses, and all the property and rights of the said corporation in the said in-

Resolutions of N. S. Railway Co. confirmed.

complete railway between the cities of Quebec and Montreal are, and each of them is, hereby declared to have, and to have had since the passage thereof, the same force, effect and validity as if the said last named company had been authorised to pass the said resolutions by its Act of incorporation.

Deed of M.,O. & W. Railway Company confirmed.

2. The deed of cession and conveyance passed by the Montreal, Ottawa and Western Railway Company, on the sixteenth day of November, one thousand eight hundred and seventy-five, before Maitre Louis Napoleon Demouchel, Notary, and mentioned in the preamble of this Act, is hereby declared to have, and to have had since the execution thereof, the same force, effect and validity, as if the said last named company had been authorized to execute the said deed by its Act of incorporation.

Proviso: saving pending cases.

3. Provided always, that this Act shall not affect any case now pending before any Court, but such case shall be decided and the judgment therein rendered or to be rendered, shall be of the same effect as if this Act had not been passed.

No. 118.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway.

Received and read, first time, Thursday, 29th April, 1880.

Second reading, Friday, 30th April, 1880.

Mr. McDONALD, (Pictou.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 119.] **BILL.** [1880.

An Act respecting the administration of criminal justice in the territory in dispute between the Governments of the Province of Ontario and of the Dominion of Canada.

Preamble.

WHEREAS the territory described in the schedule to this Act is claimed by the Government of Ontario as being within the said Province, and whereas such claim is disputed;

And whereas, the Parliament of Canada is desirous of making suitable provision for the administration of criminal justice within the said territory until the dispute is determined:

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

Where crimes or offenees committed in the disputed territory may be prosecuted and tried.

1. Every crime or offence committed in any part of the said territory may be enquired of, tried and punished within any county or district in the Province of Ontario or the Province of Manitoba, or in the District of Keewatin, and such crime or offence shall be within the jurisdiction of any court, judge, magistrate or magistrates, or justice or justices of the peace, or other functionary having jurisdiction over crimes or offences of the like nature committed within the limits of the county or district in which such crime or offence is prosecuted; and such court, judge, magistrate or magistrates, justice or justices or other functionary, shall proceed thereon by way of preliminary investigation, and to trial, judgment and execution, or other punishment, for such crime or offence, in the same manner as if such crime or offence had been committed within the county or district where such trial is had.

Where such crime or offence may be laid.

2. Such crime or offence shall be sufficiently laid and charged, whether it is laid and charged to have been committed in Ontario or in the District of Keewatin, and any sentence which might have been imposed upon the offender had the offence been committed either in an undisputed part of Ontario or in an undisputed part of Keewatin, may be imposed upon an offender convicted under this Act.

Retroactive effect of ss. 1 and 2.

3. The two next preceding sections shall apply to any crime or offence heretofore committed, as well as to every crime or offence hereafter committed, in the said territory.

Order of Court or

4. Where any person charged with the commission of any crime or offence within the territory above described is in

Judge where the offender is in custody in one Province and it is intended to try him in another or elsewhere in the same Province.

custody in any gaol within the Province of Ontario, or within the Province of Manitoba, charged with the said crime or offence, and it is intended that such person shall be tried in a province other than the province in a gaol of which he is confined, or in a different part of the same province, then any judge of any Superior Court of the province in a gaol of which such prisoner is confined, having criminal jurisdiction, or any such court, on application by or on behalf of the Minister of Justice of Canada, or of the Attorney General of Ontario, or in case the prisoner is in custody at Prince Arthur's Landing and it is intended to try him at Sault St. Marie, then the judge of the District of Algoma, on application as aforesaid, may make an order upon the keeper of such gaol to deliver the said prisoner to the person named in such order to receive him, and such person shall, at the time prescribed in such order, convey such prisoner to the place at which he is to be tried, there to remain in custody subject to the order of the court by which it is intended he shall be tried, or of any other court which may have jurisdiction to try him.

If in gaol in the disputed territory.

In case the prisoner is confined in any gaol or lock-up in the said disputed territory, any judge of a Superior Court of Ontario or Manitoba having criminal jurisdiction may make the like order.

Judge or Court may by such order limit time of trial, &c.

5. The judge or court, on granting the said order, may, if the judge or court thinks fit, direct that unless the prisoner is tried within a time limited in the said order, he shall be either discharged from custody on his own recognizance or on bail, or returned forthwith to the gaol from which he was taken, as the said judge or court may consider proper, and the terms of the said order shall be duly obeyed; provided that the judge or any other judge of the same court or the court may, at any time, upon application made in that behalf, vary the terms of the said order.

Act cumulative.

6. The provisions of this Act are merely cumulative to the law as it now stands.

Duration.

7. This Act shall remain in force until the end of the next Session of Parliament and no longer.

SCHEDULE.

Boundaries of the disputed territory.

All that territory west of the meridian of the confluence of the Ohio and Mississippi, and described as follows, that is to say: Commencing where the Albany River is intersected by the said meridian, thence up the middle of the said Albany River and of the lakes thereon to the source of the said Albany River at the head of Lake St. Joseph; thence by the nearest line to the westerly end of Lac Seul, being the head waters of the English River; thence westerly through the middle of Lac Seul and the said English River to a point where the same will be intersected by a true meridional line drawn northerly from the international monument placed to mark the most north-westerly angle of the Lake of the

Woods by the recent Boundary Commission between Great Britain and the United States, and thence due south, following the said meridional line to the said international monument; thence southerly and easterly following upon the international boundary line between the British possessions and the United States of America, into Lake Superior; but if a true meridional line drawn northerly from the said international boundary at the said most north-westerly angle of the Lake of the Woods is found to pass to the west of where the English River empties into the Winnipeg River, then and in such case the boundary line of the territory claimed by Ontario continues down the middle of the said English River to where the same empties into the Winnipeg River, and continues thence on a line drawn due west, from the confluence of the English River with the said Winnipeg River, until the same intersects the meridian above described, and thence due south following the said meridional line to the said international monument; thence southerly and easterly following upon the international boundary line between the British possessions and the United States of America, into Lake Superior, and thence in either case through Lake Superior along the international boundary line, to the said line drawn due north from the confluence of the said Rivers Mississippi and Ohio, and thence along the said due north line to the place of beginning.

No. 119.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act respecting the administration of criminal justice in the territory in dispute between the Governments of the Province of Ontario and of the Dominion of Canada.

Received and read, first time, Thursday, 29th April, 1880.

Second reading, Friday, 30th April, 1880.

Mr. McDONALD,
(Pictou.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 120.] **BILL** [1880.

An Act to amend the law of evidence in Criminal Cases, as respects the taking and use of depositions of persons who may be unable to attend at the trial.

Preamble.

WHEREAS it may happen that a person dangerously ill and unable to travel may be able to give material and important information relating to an indictable offence, or to a person accused thereof; and it is desirable in the interests of truth and justice that means should be provided for perpetuating such testimony, and for rendering the same available in the event of the death of the person giving the same: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commission'r appointed to take statement of persons dangerously ill.

1. Whenever it is made to appear to the satisfaction of a Judge of any Court of competent criminal jurisdiction in Canada, that any person dangerously ill, and in the opinion of some licensed medical practitioner not likely to recover from such illness, is able and willing to give material information relating to any indictable offence, or relating to any person accused of any such offence, it shall be lawful for the said Judge to appoint a Commissioner to take in writing the statement on oath or affirmation of such person so being ill; and such Commissioner shall take such statement and shall subscribe the same and add thereto the names of the persons (if any) present at the taking thereof, and if the deposition relates to any indictable offence for which any accused person is already committed or bailed to appear for trial, shall transmit the same with the said addition to the proper officer of the court for trial at which such accused person shall have been so committed or bailed; and in all other cases he shall transmit the same to the Clerk of the Peace of the county, division or city in which he shall have taken the same, who is hereby required to preserve the same and file it of record; and if afterwards upon the trial of any offender or offence to which the same relates, the person who made the statement shall be proved to be dead, or if it be proved that there is no reasonable probability that such person will ever be able to attend at the trial to give evidence, it shall be lawful to read such statement in evidence either for or against the accused, without further proof thereof if the same purports to be signed by the Commissioner by or before whom it purports to have been taken; and provided it be proved to the satisfaction of the court that reasonable notice of the intention to take such statement has been served upon the person (whether prosecutor or accused) against whom it is proposed to be read in evidence, and that such person or

Deposition to be transmitted to officer of court if relating to offence for trial.

In other cases to Clerk of the Peace of place, &c., wherein taken.

Statement may be read in evidence if deponent dead or not able to attend

Proviso: for notice of intention to take such statement.

his counsel or attorney had, or might have had if he had chosen to be present, full opportunity of cross-examining the person who made the same.

How prisoner may be present at taking of statement.

2. Whenever a prisoner in actual custody shall have served or shall have received notice of an intention to take such statement as hereinbefore mentioned, the Judge who has appointed the Commissioner as in the preceding section mentioned, may, by an order in writing, direct the gaoler having the custody of the prisoner, to convey him to the place mentioned in the said notice for the purpose of being present at the taking of the statement; and such gaoler shall convey the prisoner accordingly, and the expenses of such conveyance shall be paid out of the funds applicable to the other expenses of the prison from which the prisoner shall have been conveyed.

No. 120.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the law of Evidence in Criminal Cases, and to authorize the taking of depositions and to make the same evidence in certain events.

Received and read, the first time, Thursday, 29th April, 1880.

Second reading, Friday, 30th April, 1880.

Mr. McDONALD,
(Pictou).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 121.] **BILL.** [1880.

An Act to make better provision respecting the navigation of Canadian waters.

WHEREAS the regulations for preventing collisions between vessels navigating Canadian waters, embodied in the Act of the Parliament of Canada hereinafter mentioned, were founded upon those then in force for the like purpose in the United Kingdom; And whereas in the exercise of the power given by the Act of the Parliament of the United Kingdom, known as "The Merchant Shipping Amendment Act, 1862," Her Majesty, acting on the joint recommendation of the Admiralty and the Board of Trade, has by an Order in Council, bearing date the fourteenth day of August, 1879, annulled the regulations aforesaid, and has substituted for them others of the tenor and effect of those embodied in this Act (except only as to rafts and the Harbour of Sorel), and has directed that they shall come into force on the first day of September, 1880; And whereas the governments of the several foreign countries mentioned in the Schedule to this Act have, under the provisions made in the said Act, agreed that the said regulations shall apply to the ships of such countries, respectively, when beyond the limits of British jurisdiction, and it is highly expedient and desirable that they should be extended to and prevail throughout all the waters of the Dominion of Canada; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. Imp. Act, 25-26 V. c. 63. Recital, agreement of foreign governments.

1. This Act shall come into force on the *first* day of September next after its passing, and on and after the said day the Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, and intituled: "*An Act respecting the navigation of Canadian waters*," and the Acts extending it to the Provinces of British Columbia and Prince Edward Island, respectively, shall be repealed, except only as regards offences committed against or liabilities incurred under the said Act before the said day, with respect to which and all proceedings relating to which, the said Acts shall remain in force; but the repeal of the said Acts shall not revive any Act or provision of law repealed by them or either of them. Commencement of this Act. Repeal of 38 V. c. 58, and extending Acts. Saving clause.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

2. And with respect to lights, steering and sailing, and rafts, the following rules shall, on and after the day last aforesaid, apply to all the rivers, lakes, and other navigable Extent of application of the following rules.

waters within the Dominion of Canada, or within the jurisdiction of the Parliament thereof; that is to say:—

Preliminary.

Steamships under sail or under steam.

Art. 1. In the following rules every steam ship which is under sail and not under steam is to be considered a sailing ship; and every steam ship which is under steam, whether under sail or not, is to be considered a ship under steam.

Rules concerning Lights.

What lights shall be carried.

Art. 2. The lights mentioned in the following Articles, numbered 3, 4, 5, 6, 7, 8, 9, 10, and 11, and no others, shall be carried in all weathers, from sunset to sunrise.

By steamships under way.

Art. 3. A steam ship when under way shall carry—

At foremast head.

(*a.*) On or in front of the foremast, at a height above the hull of not less than 20 feet, and if the breadth of the ship exceeds 20 feet then at a height above the hull not less than such breadth, a bright white light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 20 points of the compass; so fixed as to throw the light 10 points on each side of the ship, viz, from right ahead to two points abaft the beam on either side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles.

On starboard side.

(*b.*) On the starboard side, a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

On port side.

(*c.*) On the port side, a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

How to be fitted.

(*d.*) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

By steamships towing.

Art. 4. A steam ship, when towing another ship, shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than three feet apart, so as to distinguish her from other steam ships. Each of these lights shall be of the same construction and character,

and shall be carried in the same position as the white light which other steam ships are required to carry.

Lights and shapes, by steam or sailing ships when not under command.

Art. 5. A ship, whether a steam ship or a sailing ship, when employed either in laying or in picking up a telegraph cable, or which from any accident is not under command, shall at night carry, in the same position as the white light which steam ships are required to carry, and, if a steam ship, in place of that light, three red lights in globular lanterns, each not less than 10 inches in diameter, in a vertical line one over the other, not less than three feet apart: and shall by day carry in a vertical line one over the other, not less than three feet apart, in front of but not lower than her foremast head, three black balls or shapes, each two feet in diameter.

What to denote.

(*a.*) These shapes and lights are to be taken by approaching ships as signals that the ship using them is not under command, and cannot therefore get out of the way.

When to carry side lights.

(*b.*) The above ships, when not making any way through the water, shall not carry the side lights, but when making way shall carry them.

By sailng ships in motion.

Art. 6. A sailing ship under way, or being towed, shall carry the same lights as are provided by Article 3 for a steam ship under way, with the exception of the white light, which she shall never carry.

By small vessels in bad weather.

Art. 7. Whenever, as in the case of small vessels during bad weather, the green and red side lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side.

Lanterns to be painted outside.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

By ships at anchor.

Art. 8. A ship, whether a steam ship or a sailing ship, when at anchor, shall carry, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light, in a globular lantern of not less than eight inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all round the horizon, at a distance of at least one mile.

By pilot vessels on duty.

Art. 9. A pilot vessel, when engaged on her station on pilotage duty, shall not carry the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

When not on duty.

(*a.*) A pilot vessel, when not engaged on her station on pilotage duty, shall carry lights similar to those of other ships.

Open fishing and other boats.

Art. 10. (*a.*) Open fishing boats and other open boats when under way shall not be obliged to carry the side lights required for other vessels; but every such boat shall in lieu thereof have ready at hand a lantern with a green glass on the one side and a red glass on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

When at anchor.

(*b.*) A fishing vessel, and an open boat, when at anchor, shall exhibit a bright white light.

Fishing vessels when drift net fishing.

(*c.*) A fishing vessel, when employed in drift net fishing, shall carry on one of her masts two red lights in a vertical line one over the other, not less than three feet apart.

Trawlers at work.

(*d.*) A trawler at work shall carry on one of her masts two lights in a vertical line one over the other, not less than three feet apart, the upper light red, and the lower green, and shall also either carry the side lights required for other vessels, or, if the side lights cannot be carried, have ready at hand the coloured lights as provided in Article 7, or a lantern with a red and a green glass as described in paragraph (*a.*) of this Article.

Flare-up lights.

(*e.*) Fishing vessels and open boats shall not be prevented from using a flare-up in addition, if they desire to do so.

The said lights substituted for those under convention with France.

(*f.*) The lights mentioned in this Article are substituted for those mentioned in the 12th, 13th, and 14th Articles of the Convention between France and England scheduled to the British Sea Fisheries Act, 1868.

Lanterns for lights.

(*g.*) All lights required by this Article, except side lights, shall be in globular lanterns so constructed as to show all round the horizon.

Ship overtaken by another.

Art. 11. A ship which is being overtaken by another shall show from her stern to such last-mentioned ship a white light or a flare-up light.

Sound Signals for Fog, &c.

Steamships to have certain sound signals in fog, etc.

Art. 12. A steam ship shall be provided with a steam whistle or other efficient steam sound signal, so placed that the sound may not be intercepted by any obstructions, and with an efficient fog horn to be sounded by a bellows or other mechanical means, and also with an efficient bell. A sailing ship shall be provided with a similar fog horn and bell.

In fog, mist, or falling snow, whether by day or night, the signals described in this Article shall be used as follows ; that is to say, In fogs, &c.

(*a.*) A steam ship under way shall make with her steam whistle, or other steam sound signal, at intervals of not more than two minutes, a prolonged blast. Blasts at intervals by steamships.

(*b.*) A sailing ship under way shall make with her fog horn, at intervals of not more than two minutes, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession. Signals by fog horn by sailing ships.

(*c.*) A steam ship and a sailing ship, when not under way shall, at intervals of not more than two minutes, ring the bell. By ringing bell.

Speed of Ships to be moderate in Fog, &c.

Art. 13. Every ship, whether a sailing ship or steam ship, shall, in a fog, mist, or falling snow, go at a moderate speed. Speed restricted in fog, &c.

Steering and Sailing Rules.

Art. 14. When two sailing ships are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz. :— Sailing ships meeting.

(*a.*) A ship which is running free shall keep out of the way of a ship which is close-hauled.

(*b.*) A ship which is close-hauled on the port tack shall keep out of the way of a ship which is close-hauled on the starboard tack.

(*c.*) When both are running free with the wind on different sides, the ship which has the wind on the port side shall keep out of the way of the other.

(*d.*) When both are running free with the wind on the same side, the ship which is to windward shall keep out of the way of the ship which is to leeward.

(*e.*) A ship which has the wind aft shall keep out of the way of the other ship.

Art. 15. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. Steamships meeting.

(*a*) This Article only applies to cases where ships are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two ships which must, if both keep on their respective courses, pass clear of each other. Limitation of Art. 15.

(*b*) The only cases to which it does apply are, when each of the two ships is end on, or nearly end on, to the other; in other words, to cases in which, by day, each ship sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each ship is in such a position as to see both the side lights of the other.

(*c*) It does not apply by day, to cases in which a ship sees another ahead crossing her own course; or by night, to cases where the red light of one ship is opposed to the red light of the other, or where the green light of one ship is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Steamships crossing.

Art. 16. If two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

Steamsh ps & sailing ships.

Art. 17. If two ships, one of which is a sailing ship, and the other a steam ship, are proceeding in such directions as to involve risk of collision, the steam ship shall keep out of the way of the sailing ship.

Steamship nearing a vessel.

Art. 18. Every steam ship, when approaching another ship, so as to involve risk of collision, shall slacken her speed or stop and reverse, if necessary.

How steamships may signal by steam.

Art. 19. In taking any course authorised or required by these Regulations, a steam ship under way may indicate that course to any other ship which she has in sight by the following signals on her steam whistle, viz.:—

One short blast to mean "I am directing my course to starboard":

Two short blasts to mean "I am directing my course to port."

Three short blasts to mean "I am going full speed astern."

Signaling to be optional.

The use of these signals is optional; but if they are used, the course of the ship must be in accordannce with the signal made.

Ship overtaking another.

Art. 20. Notwithstanding anything contained in any preceding Article, every ship, whether a sailing ship or a steam ship, overtaking any other, shall keep out of the way of the overtaken ship.

Steamships in narrow channels.

Art. 21. In narrow channels every steam ship shall, when it is safe and practicable, keep to that side of the fairway or midchannel which lies on the starboard side of such ship.

Ship keeping out of the way.

Art. 22. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course.

Art. 23. In obeying and construing these rules due regard shall be had to all dangers of navigation; and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger. Regard to be had to dangers of navigation.

No ship, under any circumstances, to neglect proper precautions

Art. 24. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. Rules not to excuse neglect.

Reservation of Rules for Harbours and Inland Navigation.

Art. 25. Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbour, river, or inland navigation. Rules by local authorities.

Special Lights for Squadrons and Convoys.

Art. 26. Nothing in these rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for two or more ships of war or for ships sailing under convoy. Squadrons or convoys.

RAFTS AND HARBOURS OF SOREL.

Art. **27**. Rafts, while drifting or at anchor on any of the waters of Canada, shall have a bright fire kept burning on them from sunset to sunrise. Whenever any raft is going in the same direction as another which is ahead, the one shall not be so navigated as to come within twenty yards of the other, and every vessel meeting or overtaking a raft shall keep out of the way thereof. Rules for rafts.

(*a.*) Rafts shall be so navigated and anchored as not to cause any unnecessary impediment or obstruction to vessels navigating the same waters.

Art. **28**. Unless it is otherwise ordained by the Harbour Commissioners of Montreal, ships and vessels entering or leaving the Harbour of Sorel shall take the port side, anything in the preceding articles to the contrary notwithstanding. Harbour of Sorel.

Art. **29**. The rules of navigation contained in articles 27 and 28, shall be subject to the provisions contained in articles 23 and 24. As to articles 27 and 28.

3. In this Act the word "vessel" includes every description of vessel used in navigation; the word "ship" includes every description of vessel not propelled by oars; the expression "steamship" or "steamboat" includes Interpretati'n clause.

every vessel propelled wholly or in part by steam or by any machinery or power other than sails or oars; and the expression "ordinary practice of seamen," as applied to any case, means and includes the ordinary practice of skilful and careful persons engaged in navigating the waters of the Dominion of Canada in like cases; and the word "owner" includes the lessee or charterer of any vessel having the control of the navigation thereof.

Provision as to local by-laws and rules.

4. No rule or by-law of the Harbour Commissioners of Montreal or the Trinity House of Quebec, or other local rule or by-law inconsistent with this Act, shall be of any force or effect; but so far as it is not inconsistent with this Act, any such rule or by-law made by the said Harbour Commissioners of Montreal or Trinity House of Quebec, or other competent local authority shall be of full force and effect within the locality to which it applies.

Penalty for wilful disobedience of this Act.

5. All owners, masters, and persons in charge of any ship, vessel, or raft, shall obey the rules prescribed by this Act, and shall not carry and exhibit any other lights nor use any other fog signals than such as are required by the said rules; and in case of wilful default, such master or person in charge, or such owner, if it appears that he was in fault, shall, for each occasion in which any of the said rules is infringed, incur a penalty not exceeding *two hundred dollars* nor less than *twenty dollars*.

Collision from non-observance of rules.

6. If in any case of collision it appears to the court before which the case is tried, that such collision was occasioned by the non-observance of any of the rules prescribed by this Act, the vessel or raft by which such rules have been infringed shall be deemed to be in fault; unless it can be shown to the satisfaction of the court that the circumstances of the case rendered a departure from the said rules necessary.

Liability for damage occasioned by non-observance of rules.

7. In case any damage to person or property arises from the non-observance by any vessel or raft of any of the rules prescribed by this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of such raft, or of the deck of such vessel at the time, unless the contrary be proved, or it be shown to the satisfaction of the court that the circumstances of the case rendered a departure from the said rules necessary; and the owner of the vessel or raft, in all civil proceedings, and the master or person in charge as aforesaid, or the owner, if it appears that he was in fault, in all proceedings, civil or criminal, shall be subject to the legal consequences of such default.

Case where both vessels are in fault.

8. Provided always, that in any cause or proceeding for damages arising out of a collision between two vessels, or a vessel and a raft, if both vessels or both the vessel and the raft are found to have been in fault, the rules heretofore in force in the Court of Admiralty in England, and now in "Her Majesty's High Court of Justice," under the "Supreme Court of Judication Act, 1873," so far as they are at variance

with the rules in force in the Courts of Common Law, shall prevail, and the damages shall be borne equally by the two vessels, or the vessel and the raft, one-half by each.

Recovery of penalties.

9. Unless herein otherwise provided, all penalties incurred under this Act may be recovered in the name of Her Majesty, by any Inspector of Steamboats, or by any party aggrieved by any act, neglect or wilful admission by which the penalty is incurred, before any two Justices of the Peace, on the evidence of one credible witness; and in default of payment of such penalty, such Justices may commit the offender to gaol for any period not exceeding three months; and, except as hereinafter provided, all penalties recovered under this Act shall be paid over to the Receiver General, and shall be by him placed at the credit of and shall form part of "the Steamboat Inspection Fund"; except always, that all penalties incurred for any offence against this Act shall, if such offence be committed within the jurisdiction of the Trinity House of Quebec, or of the Harbour Commissioners of Montreal, be sued for, recovered, enforced and applied in like manner as penalties imposed for the contravention of the by-laws of the Trinity House or Harbour Commissioners of Montreal within whose jurisdiction the offence is committed.

Exception.

Inspector of steamboats to see that steamships have proper lights, &c.

10. Every Inspector of Steamboats shall, whenever he visits and inspects any steamboat, examine whether such steamboat is properly furnished with lights and with means of making fog-signals in pursuance of the rules prescribed by this Act, and shall for that purpose have all the powers vested in him by the Act passed in the thirty-first year of Her Majesty's Reign, and intituled "*An Act respecting the Inspection of Steamboats, and for the greater safety of passengers by them*," and the Acts amending it, for obtaining information as to the observance of the requirements of the said Acts, and shall refuse to grant any certificate with respect to any steamboat which he finds to be not so provided, and shall report such steamboat as unsafe to the Governor in Council, who shall, on such report, have all the powers mentioned in section *thirty* of the said Act; and any Order in Council made on such report shall have the effect and be enforced in the manner provided by the said section.

Foreign ships in Canadian waters.

11. Whenever foreign ships are within Canadian waters the rules for preventing collision prescribed by this Act, and all provisions of this Act relating to such rules, or otherwise relating to collisions, shall apply to such foreign ships; and in any case arising in any court of justice in Canada concerning matters happening within Canadian waters, foreign ships shall, so far as regards such rules and provisions, be treated as if they were British or Canadian ships.

DUTY OF MASTERS; LIABILITY OF OWNERS AS TO COLLISIONS.

Duties of Masters of

12 In every case of collision between two ships, it shall be the duty of the person in charge of each ship, if and so

Vessels in case of collision.

far as he can do so without danger to his own ship and crew, to render to the other ship, her master, crew or passengers, (if any) such assistance as may be practicable, and as may be necessary in order to save them from any danger caused by such collision; *and also to give to the master or other person in charge of the other ship the name of his own ship and of her port of registry, or of the port or place to which she belongs, and also the names of the ports and places from which and to which she is bound;* in case he fails to do so, and no reasonable excuse for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect or default:—

Penalty for default.

Further penalty in case of British or Canadian ships.

Every master or person in charge of a British or Canadian ship, who fails, without reasonable cause, to render such assistance, or to give such information as aforesaid, shall be deemed guilty of a misdemeanor; and if he is a certificated officer under Canadian Authority, an inquiry into his conduct may be held, and his certificate may be cancelled or suspended

NOTE.—The parts of this section in italics, are taken from the Merchants Shipping Act, 1873, 36, 37 V., c. 85, s. 16.—Digest 299 *i*.

Liability of owners limited in case of collision without fault.

13. The owners of any ship, whether British, Canadian or foreign, shall not, in cases where all or any of the following events occur without their actual fault or privity, that is to say:—

(1.) Where any loss of life or personal injury is caused to any person being carried in such ship;

(2.) Where any damage or loss is caused to any goods merchandize, or other things whatsoever on board any such ship;

(3.) Where any loss of life or personal injury is by reason of the improper navigation of such ship as aforesaid caused to any person in any other ship or boat;

(4.) Where any loss or damage is by reason of the improper navigation of such ship as aforesaid caused to any other ship or boat, or to any goods, merchandize or other things whatsoever on board any other ship or boat;

Extreme amount recoverable.

be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, merchandize or other things, nor in respect of loss or damage to ships, goods, merchandize or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding *thirty-eight dollars and ninety-two* cents for each ton of the ship's tonnage, such tonnage to be the registered tonnage in the case of sailing ships; and in the case of steamships the gross tonnage without deduction on account of engine room;

(*a*) In the case of any British or Canadian ship, such tonnage shall be the registered or gross tonnage, according to the British or Canadian law, and in the case of a foreign ship which has been or can be measured according to

British or Canadian law, the tonnage as ascertained by such measurement shall, for the purposes of this section, be deemed to be the tonnage of such ship ;

Tonnage how calculated in such cases.

(*b*) In the case of any foreign ship which has not been and cannot be measured according to British or Canadian law, the Deputy of the Minister of Marine and Fisheries shall, on receiving from or by direction of the court hearing the case, such evidence concerning the dimensions of the ship as it may be found practicable to furnish, give a certificate under his hand, stating what would, in his opinion, have been the tonnage of such ship if she had been duly measured according to Canadian law, and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship.

As to insurances in such cases.

14. Insurances effected against any or all of the events enumerated in the section last preceding, and occurring without such actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk.

NOTE.—Section 14 of 31 V., c. 58, exempting owners and masters from responsibility for loss or damage, occasioned by the fault of a pilot, when the employment of such pilot is compulsory, is repealed by 36 V., c. 54. Schedule.

SCHEDULE.

Austria-Hungary.
Belgium,
Chili.
Denmark.
France.
Germany.
Great Britain.
Greece.
Italy,
Netherlands.
Norway.
Portugal.
Russia.
Spain.
Sweden.
United States.

No. 121.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to make better provision respecting the navigation of Canadian waters.

Received and read, first time, Friday, 30th April, 1880.

Second reading, Monday, 3rd May, 1880.

Hon. Mr. POPE,
(Queen's, P.E.I.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1880.

No. 122.] **BILL.** [1880.

An Act to ratify and confirm a certain agreement therein mentioned, between the Government of Canada and the Canada Central Railway Company.

WHEREAS by an Order of His Excellency the Governor General in Council, dated the eighteenth day of April, one thousand eight hundred and seventy-eight, passed under the authority of the Act thirty-seventh Victoria (1874), chapter fourteen, intituled "*An Act to provide for the construction of the Canadian Pacific Railway*," and ratified by a resolution of the House of Commons of Canada on the seventh day of May, one thousand eight hundred and seventy-eight, it is in effect provided,—that the Canada Central Railway Company are to be entitled to receive from the Government of Canada a subsidy or bonus of twelve thousand dollars per mile, upon the extension of their line westward to such point as may be selected by the Government as the terminus of the Canadian Pacific Railway, near Lake Nipissing, such subsidy to be payable upon the terms and in the manner set out in such Order in Council; and by such Order it is further provided that the Company are to have the option of substituting the payment by the Government of the interest, or part of the interest, on bonds of the Company running over such terms of years as might be approved by the Governor in Council in lieu of the mileage subsidy referred to: Preamble.

And whereas, the Company elected to avail themselves of this option, and the Government assumed the payment of the interest (but only until the maturity of the principal), or an issue of bonds made by the Company, amounting in all to five hundred thousand pounds sterling, payable in twenty years from the first day of September, A.D. 1879, with interest half-yearly at the rate of five per cent. per annum:

And whereas, the Company, upon the Government so assuming the payment of such interest, entered into the following agreement with Her Majesty, that is to say:—

"This Indenture, made the third day of October, in the year of our Lord one thousand eight hundred and seventy-nine, between the Canada Central Railway Company, hereinafter called "The Company," of the first part, and Her Majesty the Queen, represented herein by the Honorable the Minister of Finance of Canada, of the second part:"—

"Whereas, by an Order of His Excellency the Governor General of Canada in Council, dated eighteenth of April, one

thousand eight hundred and seventy-eight, passed under the authority of the Act thirty-seven Victoria (eighteen hundred and seventy-four), chapter fourteen, intituled "*An Act to provide for the construction of the Canadian Pacific Railway*," and ratified by a resolution of the House of Commons of Canada, on the seventh day of May, one thousand eight hundred and seventy-eight, it is in effect provided, that the Company are to be entitled to receive from the Government of Canada, the subsidy, or bonus, of twelve thousand dollars per mile, upon the extension of their line westward, to such point as may be selected by the Government as the terminus of the Canadian Pacific Railway, near Lake Nipissing, such subsidy to be payable upon the terms and in the manner set out in such Order in Council; and by such Order it is further provided that the Company are to have the option of substituting the payment by the Government of the interest, or part of the interest, on bonds of the Company running over such terms of years as might be approved by the Governor in Council, in lieu of the mileage subsidy referred to:"—

"And whereas, the Company have elected to avail themselves of such option, and the Government have agreed to assume the payment of the interest (but only until the maturity of the principal), on an issue of bonds made by the Company amounting in all to five hundred thousand pounds sterling, or thereabouts, payable in twenty years, upon the condition, among other things, that the sum of one million five hundred and twenty-seven thousand and eighty-five dollars and fifty cents in cash, be deposited by the Company with the Government, to be held as security for the due completion of their line, subject to the terms hereinafter contained; and also upon the conditions that the Company comply with the terms and conditions of the said Order in Council of the eighteenth April, one thousand eight hundred and seventy-eight, and enter into the other agreements in these presents;

"Now this Indenture witnesseth that the Company covenant and agree with Her Majesty, Her successors and assigns, that they will grant running powers, on terms to be approved by the Governor General in Council, to the Quebec, Montreal, Ottawa and Occidental Railway, or any railway in extension thereof, from any point of intersection west of the Town of Renfrew that may be approved of by the Governor General in Council, and also to the Kingston and Pembroke Railway Company, from the point of intersection of their line, provided such point of intersection is at or west of Renfrew, and to such other companies as may have the termini of their systems on or towards Lake Huron, and which may be designated by the Governor General in Council as entitled to such running powers;"

"Provided that the terms of such running powers to any of the said Companies or roads may be mutually agreed upon by the Canada Central Railway Company and the Quebec Government and the other Companies named, and in

the event of disagreement, the conditions to be settled by arbitration, one arbitrator to be selected by each party, and one by the Governor in Council ;"

"And that the Government of Canada or the lessees or the future owners of the Government line westward of the western terminus of the subsidized line, shall possess running powers on the said Company's railway, on similar terms to the Companies or roads above designated :"

"And the Company further covenant and agree with Her Majesty, Her successors and assigns, that the said sum of one million five hundred and twenty-seven thousand and eighty-five dollars and fifty cents deposited with the Government, is to held as security for the due completion of the said extension of the Company's line, such sum to be returned to the Company from time to time upon similar terms, and in similar ways to those which are provided in the said Order in Council of the eighteenth April, one thousand eight hundred and seventy-eight, with respect to the payment of the cash mileage bonus, or subsidy, under the first alternative of such Order ; but if default be made in the completion of the said extension, in accordance with the terms of the contract or contracts under which the same is now being built, such sum, or any balance which may remain, to be retained by the Government and used for the purpose of recouping the Government for any moneys which they may be liable to pay for interest accruing upon the said bonds, after the happening of such default, over and above the amount which the Company would have been then entitled to receive, had they availed themselves of the first alternative of the Order in Council of the eighteenth April, one thousand eight hundred and seventy-eight :"

"And the Company further covenant and agree with Her Majesty, Her successors and assigns, that they will from time to time, as the interest upon the said bonds matures, pay to the bankers, brokers, or other persons who may be employed in connection with the payment of such interest, all commissions, costs, charges and expenses connected therewith ; and it is hereby declared that the amount required to remit the said half-yearly coupons for twenty years has been computed at the par of exchange, which rate has been agreed upon as the rate governing all transactions in connection herewith ; also, that they will from time to time indemnify and save harmless Her Majesty and the Government of Canada from all losses (if any) which may arise, or be caused by, or by reason of the bankruptcy, dishonesty, misfeasance or malfeasance of those to whom the money to meet such interest, may be entrusted, or of their clerks, servants, or agents, or by reason of any felony or misdemeanor, or of any accident in respect of such money after the same may have been placed in the hands of those employed to pay such interest, or by reason of any other cause whatever after the money to meet such interest may have been placed in the hands of those employed to pay the same :"

"In witness whereof the Company have caused their corporate seal to be hereto affixed, and these presents to be countersigned by their President and Secretary, and the Minister of Finance has hereto set his hand and seal, the day and year first above written (in triplicate)."

(Signed) S. L. TILLEY, [Seal.]
Minister of Finance of Canada.

Signed, sealed and delivered in presence of

(Signed) Z. A. LASH,
Deputy Minister of Justice, as to execution by Minister of Finance.

(Countersigned) JOHN G. RICHARDSON, [Seal.]
President C. C. Railway Company.

(Countersigned) ARCHER BAKER, [Seal.]
Secretary C. C. Railway Company.

"And countersigned, sealed, delivered and executed by John Grahame Richardson, the President, and Archer Baker, the Secretary of the Canada Central Railway Company, on behalf of the said Company, and with its corporate seal, in the presence of

C. F. FRASER."

And whereas the total interest on the said issue of bonds so assumed by the Government, slightly exceeds the amount of interest which can be provided for out of the said cash subsidy of twelve thousand dollars per mile; and it is expedient to ratify and confirm the assumption by the Government of the payment of the said interest, and to approve of and confirm the said agreement:

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

Agreement confirmed.

1. So soon as the Government shall have returned to the Company, out of the sum of one million five hundred and twenty-seven thousand and eighty-five dollars and fifty cents so deposited, as above mentioned, a sum equal to the said bonus of twelve thousand dollars per mile, if paid as provided in the said Order in Council of eighteenth April, A.D. one thousand eight hundred and seventy-eight, the balance of such deposit shall be appropriated and used for the purpose of meeting the interest on the said bonds.

No. 122.

2nd Session, 4th Parliament, 4

BILL.

An Act to ratify and confi
agreement therein menti
the Government of Ca
Canada Central Railway

Received and read the first ti
April, 1880.

Second reading, Monday, 3rd

Sir LEON

OTTAWA:

PRINTED BY MACLEAN, R

1880.

No. 123] **BILL.** [1880.

An Act to amend the Act respecting the Inspection of Petroleum.

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

1. The following words when used in this Act shall be construed as herein mentioned, that is to say :—

(*a.*) *Package* means and includes any tank, cask, can jar, bottle or other vessel into which any fluid referred to in this Act is put for the purpose of being stored, removed from one place to another, or for delivery to any purchaser or consumer.

(*b.*) *Specific gravity* means the weight of any fluid as compared with the weight of distilled water, both being at the temperature of sixty-two degrees by Fahrenheit's thermometer, the barometer standing at thirty inches ; and in this Act specific gravity is expressed by stating in pounds and hundredths of a pound the weight of a gallon of the fluid compared or to be compared.

(*c.*) *Petroleum* means and includes all the refined products by distillation of rock or mineral oil, coal, coal tar, or of any other mineral substance, and having a specific gravity of not less than seven and three-fourths of a pound per gallon.

(*d*) *Naphtha* means and includes all the refined products by distillation of rock or mineral oil, coal, coal tar, or any other mineral substance having a specific gravity of less than seven and three-fourths of a pound per gallon.

(*e*). *Flash-test* or *Flash* means the momentary ignition or flash caused by applying a light or spark, under conditions to be established by regulations made under this Act, to the vapor arising from any fluid herein referred to.

(*f.*) *Fire-test* or *burning* means the ignition and continuous burning of any fluid herein referred to on the application of a light or spark,under conditions to be established by regulations made under this Act.

(*g.*) *Inspector* or *Inspecting Officer* means any officer of Inland Revenue or of Customs, and any person who may be appointed by the Governor in Council as Inspector of such

articles, who may be directed by the respective Departments to inspect petroleum or naphtha.

2. Except as herein otherwise provided, Canadian petroleum shall not be sold or offered for sale for use in Canada for illuminating purposes—

1. If at a lower temperature than one hundred and fifteen degrees, by Fahrenheit's thermometer, it emits a vapor that will flash ; or—

2. If it weighs more than eight pounds and two hundredths of a pound per gallon ; or—

3. If it weighs less than seven pounds and seventy-five hundredths of a pound per gallon.

3. Except as herein otherwise provided, imported petroleum shall not be sold or offered for sale for use in Canada for illuminating purposes—

1. If at a lower temperature than one hundred and twenty degrees, by Fahrenheit's thermometer, it emits a vapor that will flash ; or—

2. If it weighs more than eight pounds and two hundredths of a pound per gallon ; or

3. If it weighs less than seven pounds and seventy-five hundredths of a pound per gallon.

4. Naptha shall only be sold or offered for sale in Canada,—

1. For use for illuminating purposes :—

(*a*) In street lamps in which only the vapour is burned.

(*b*) In dwellings, factories, and other places of business, when vaporized in secure underground tanks outside the building in which the vapor so generated is used for lighting.

2. For use for mechanical or chemical purposes in buildings not inhabited as a residence for family purposes.

5. Every person who puts any petroleum or naptha into any package shall cause the following marks to be correctly and in conspicuously legible characters placed on one end or side of every such package of Canadian petroleum :

1. The flash-test of the petroleum contained therein ;

2. The weight per gallon in pounds and decimal parts of a pound ;

3. The gross weight in pounds ;

4. The tare (or weight of empty package) in pounds;

5. The net weight of oil, in pounds;

6. The number of gallons contained in the package;

7. The date when the package was filled;

8. The *signature* of the refiner, manufacturer or other person, or of his authorized agent, by whom the petroleum was put into the package so marked.

6. The quantity and quality of imported petroleum or naptha in each package shall be ascertained by weighing and testing by the Inspector, and the allowance for the tare of the package shall be in accordance with Departmental regulations in that behalf.

2. It shall be the duty of the inspecting officer at the port of entry to cause the following marks to be correctly placed upon the end or side of each package of imported petroleum in the presence of the importer or owner thereof, or of his authorized agent.

(*a*) The flash-test.

(*b*) The weight per gallon in pounds and decimal parts of a pound.

(*c*) The gross weight of the package and its contents.

(*d*) The number of gallons computed to be in each package.

(*e*) The word "Inspected" with the date of inspection. The *signature* of the Inspector, with the name of his port or district.

7. Naptha shall not be inspected for flash test, but only as to its gravity and quantity, but the marks on the packages in which it is contained shall be the same as on packages containing petroleum, except that the word "*Naptha*" shall be substituted for the flash-test.

8. No other mark or brand whatever shall be placed upon the end or side of any package of Canadian or imported petroleum upon which any marks or brands have been placed in compliance with the provisions of this Act.

9. Petroleum may be removed in bulk without inspection from one refinery to another refinery, or other place, for the purpose of completing the process of manufacture or placing it in packages, under a permit in that behalf, to be obtained from the proper officer, and subject to such Departmental regulations as may be made respecting such removals.

10. The inspection of petroleum and naphtha under this Act shall be performed by officers of the Inland Revenue, and of the Customs, duly authorized thereto by regulations made by the respective Departments ; or—

2. By such other persons as may be appointed for that purpose by the Governor in Council, and—

3. Such instruments shall be used and process adopted in making the inspection as may be directed by regulations made by the Department of Inland Revenue.

11. The Governor in Council may, from time to time, make such regulations respecting the storage and possession of petroleum and naphtha as he may deem necessary for the public safety—special regulations being made as to the importation or possession of naphtha ; and no person shall have in his possession any such article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as may be made from time to time by the Governor in Council, for the storage and possession of such articles ; and such permit must be produced to the proper officer of the Customs before the importation of any such articles above mentioned shall be permitted.

12. Packages containing petroleum or naphtha which is to be exported out of Canada direct from the refinery in which it is made and packed, shall only be marked and inspected as herein prescribed, at the option of the owner thereof ; but if any petroleum or naphtha for which exemption from inspection is claimed under this section, is thereafter sold or offered for sale for consumption in Canada, or removed from the refinery otherwise than for exportation, it shall thereupon become liable to seizure and confiscation.

13. All petroleum and naphtha liable to inspection, sold or offered for sale for use in Canada without having been inspected, immediately after being manufactured or imported into Canada, shall be subject to seizure by any officer of Customs or Inland Revenue, and shall be dealt with as the Governor in Council may direct.

14. Every refiner, manufacturer or importer of petroleum or naphtha, and every person who deals in or keeps or offers any petroleum or naphtha for sale, shall be responsible that as to its quality and as to the quantity contained in each package it shall not be inferior to the quality nor less than the quantity designated by the marks and descriptions then on the packages in which it is contained, all of which marks and descriptions the person in whose possession it is shall maintain in a perfectly legible state.

15. All petroleum and naphtha made in Canada, except such as is to be exported under the provisions of this Act, shall after it has been put into packages, marked as herein re-

quired, and before it leaves the premises of the refiner or manufacturer, be inspected by a duly authorized inspector.

(2.) All petroleum and naphtha imported into Canada shall be in packages containing not more than fifty gallons each, and shall be inspected and the packages marked, as herein required, at the port where it enters the Dominion, and before such petroleum or naphtha is entered for consumption; and any petroleum so imported which does not conform to the requirements of this Act shall be branded with the word "rejected," and shall, within ten days after the inspection, be exported out of Canada, and if not so exported within the prescribed time, it and the packages in which it is contained shall be seized and forfeited to Her Majesty, and disposed of as may be directed by regulations in that behalf.

16. When any petroleum or naphtha contained in not more than ten packages is inspected, it shall be sufficient if the inspector draws samples for inspection from not less than two of such packages, and the examination of the samples so taken shall be considered as applicable to the whole.

2. When there are more than ten packages and less than twenty, not less than three shall be sampled. For any larger number samples shall be drawn from not less than one package from every ten. The samples so taken shall represent the whole, but the inspector shall, in every case, make his own selection of the packages from which the samples are taken.

3. The Inspector shall mark or stamp in such manner as may be directed by the Departmental regulations, all the packages containing petroleum or naptha inspected by him as herein directed, and the contents of such packages, so long as they are declared by the owner thereof to contain the same petroleum as was first inspected, as herein required, shall not be subject to the payment of inspection fees for any susequent inspection, unless it is ascertained by such subsequent inspection that the article found therein is inferior in quality or quantity to the article designated by the descriptive marks found on the packages at the time of any second or subsequent inspection.

17. Any duly authorized inspector may at any time during ordinary business hours, enter the refinery, shop or warehouse of any person who refines or keeps petroleum or naphtha for sale and may take from any package of petroleum or naphtha found therein such quantity of the contents as may be necessary for testing the quality thereof. He may also take similar samples from any package of petroleum or naphtha found in the possession of any hawker or peddler on the public streets or highways, or that may be offered for sale by any person whatsoever.

18. All tests of petroleum and naphtha shall be taken by means of instruments that have been compared with and

which are certified as agreeing with the standard instruments kept in the Department of Inland Revenue at Ottawa, or in some other principal testing office established by Departmental regulations where similar standard instruments are kept for that purpose.

19. Whenever any dispute arises as to the correctness of any test of the quality of petroleum made under this Act, a sample of the petroleum in dispute shall be drawn by the inspecting officer and sealed in the presence of the owner, or other person in whose possession the said petroleum then is, which sample shall be forwarded to the Department of Inland Revenue at Ottawa, or to some other principal testing office established by Departmental regulations where the samples shall be tested, and the test so made and certified by the officer making it shall be final and conclusive as to the quality of the petroleum in dispute.

20. The following fees shall be levied and collected for the inspection of petroleum; and such fees shall be paid to the Inspector or the Collector of Customs, or the Collector of Inland Revenue, as the case may be, at the time the inspection is made, and shall form part of the Consolidated Revenue Fund of Canada:—

For every package of Canadian petroleum or naphtha containing more than ten, but not more than fifty gallons	10 *cents.*
For every package of Canadian petroleum or naphtha containing more than five and not more than ten gallons	5 *cents.*
For every package of Canadian petroleum or naphtha containing not more than five gallons	2½ *cents.*
For every package of imported petroleum or naptha containing more than ten, but not more than fifty gallons	30 *cents.*
For every package of imported petroleum or naphtha containing more than five and not more than ten gallons	10 *cents.*
For every package of imported petroleum or naphtha containing not more than five gallons	5 *cents.*

21. All fees payable under this Act shall be payable before any certificate or bill of inspection is delivered, and if not so paid shall be recoverable, with costs, before any Justice of the Peace.

22. Any person who keeps or offers for sale for use in Canada any petroleum or naphtha which is not in packages marked as herein required, shall be guilty of an offence against this Act, and for a first offence shall incur a penalty of *twenty* dollars for every package in his possession not so marked, and for a second and for each subsequent offence a penalty of *forty* dollars for every package in his possession not so marked; and the petroleum so illegally kept or offered for sale shall be seized by any Revenue officer or In-

spector having a knowledge thereof, and forfeited to Her Majesty.

23. Any person who keeps or offers for sale for use in Canada any petroleum which is not in conformity with this Act, or that is inferior in quality to the quality represented by the marks on the package in which it is contained; or—

2. Who puts or causes to be put into any package marked as herein required, any petroleum or naphtha which is not of the description or quality represented by the said marks; or—

3. Who keeps or offers for sale or sells any whole package of petroleum or naptha in which there is a less quantity than is represented by the marks on the package in which it is contained,—

Shall be guilty of an offence against this Act, and for a first offence shall incur a penalty of *two* dollars for every package found in his possession in which such inferior petroleum or naphtha, or such short quantity, is discovered, and for a second and each subsequent offence he shall incur a penalty of *four* dollars for every package as aforesaid; Provided always,—

That the pecuniary penalty incurred under this section shall not, for a first offence, exceed *fifty* dollars, or for a second offence, *one hundred* dollars.

24. The petroleum, in respect of which any such penalty is imposed, for the reason that it will not stand the flash test hereby required, and the packages in which it is contained, shall be seized by any Revenue officer or Inspector having a knowledge thereof, and forfeited to Her ajesty, thereafter to be disposed of as may be determined by any general regulations made by Order in Council in that behalf.

25. Whosoever, with a fraudulent intention,—

1. Alters, effaces, or obliterates, wholly or partially, or causes to be altered, effaced or obliterated, any Inspector's brands or marks on any petroleum having undergone inspection, or on any package containing any petroleum, or—

2. Counterfeits any such brand or mark, im-pressed or otherwise marked thereon or any mark purporting to be the mark of any Inspector (either with the proper marking instruments of such Inspector or with counterfeit imitations thereof), or—

3. Empties or partially empties any such package so marked, after inspection, in order to put in to the same any other article not contained therein at the time of such inspection,

or uses for the purpose of packing any petroleum any old package bearing inspection marks, or—

4. Who, not being an Inspector of petroleum, brands or marks any package containing it, with the Inspector's marks, or gives any certificate purporting to be a certificate of inspection of any petroleum, and—

5. Any person who, being in the employ of any Inspector, hires or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid, and—

6. Any Inspector who or hires out or lends his marking instruments to any person whomsoever, or—

7. Gives any certificate of inspection. without having personally performed the inspection, or gives any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act—shall, for each such offence, incur a penalty of *one hundred* dollars.

26. Any person not thereunto duly authorized under this Act, who in any manner whatever assumes the title or office of Inspector, or issues any bill, certificate or declaration purporting to establish the quality or quantity of any petroleum, shall, for every such offence, incur a penalty not exceeding *one hundred* dollars.

27. Every penalty and forfeiture imposed by this Act, or by any regulation made under it, shall be recoverable by any complainant or informant suing for the same in a, summary way, before a police or stipendiary magistrate, or two Justices of the Peace, by whom alone and no other or others the complaint shall be dealt with as the law directs, and every such penalty shall, in default of payment, be levied by warrant of distress, to be issued by such Justices against the goods and chattels of the offender; and one moiety of every such penalty when recovered, shall belong to the complainant or informant, and the other moiety to Her Majesty for the public uses of Canada; and if the penalty, together with any costs awarded, be not paid within thirty days, or be not recovered by seizure as hereinbefore provided, such offender shall be imprisoned in the common gaol of the county or district for a period of not less than two nor more than six months, at the discretion of the court.

28. Any action or suit against any person for anything done in pursuance of this Act, or contrary to its provisions, shall be commenced within six months next after the matter or thing done or omitted to be done, and not afterwards; and the defendant therein may plead the general issue, and give this Act and the special matter in evidence at any trial therein, and that the same was done under this Act; and if it appears so to have been done, then the judg-

ment shall be for the defendant; and if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover his costs and have the like remedy for the same as defendants have in other cases.

29. The Act passed in the forty-second year of Her Majesty's reign, chapter eighteen, and intituled "*An Act to provide for the inspection, safe keeping and storage of Petroleum, and the products thereof*," and the Act chapter nineteen of the same session amending the said Act, are hereby repealed, except only as to the repeal of any other Act by the said Acts, or any offence committed, or penalty incurred, or obligation contracted under the Acts hereby repealed, which may be prosecuted, imposed or enforced as if this Act had not been passed.

30. This Act may be cited as the "Petroleum Inspection Act, 1880."

No. 123.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Acts respecting the Inspection of Petroleum.

Received and read, first time, Monday, 3rd May, 1880.

Second reading

Mr. BABY.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,

1880.

No. 124.] **BILL.** [1880.

An Act to amend the Acts respecting the Trinity House and Harbour Commissioners of Montreal.

Preamble.

WHEREAS it is expedient to make further provision in respect of the powers of the said Harbour Commissioners of Montreal, as the pilotage authority of the Pilotage District of Montreal: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Their orders to be valid, &c.

1. It shall be competent for any three of the Harbour Commissioners of Montreal, to be selected by the Board of the Harbour Commissioners from amongst the members thereof, in such manner as shall be provided for by by-law, to exercise the powers and authority of the said Harbour Commissioners of Montreal as such pilotage authority, in respect of any investigation into the conduct or skill of any pilot, master, or mate, or apprentice pilot, and in respect of the withdrawal or suspension of the license or certificate of any pilot, master, mate or apprentice pilot:— And any order made by the Harbour Commissioners as such pilotage authority for the withdrawal or suspension of any license or certificate of any pilot, master, mate, or apprentice pilot, shall be final; and shall not be removed into any court by writ certiorari, injunction, or other proceeding issued from any court.

No. 124.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to amend the Acts respecting the Trinity House and Harbour Commissioners of Montreal.

Received and read, the first time, Monday, 3rd May, 1880.

Second reading, Tuesday, 4th May, 1880.

Hon. Mr. POPE,
(Queen's, P.E.I.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

No. 125.] **BILL.** [1880.

An Act to confirm a certain Order of the Governor in Council, respecting the Graving Dock at Esquimalt.

Preamble.

Terms of union with British Columbia cited.

WHEREAS by the twelfth section of the terms of Union between the Dominion and the Province of British Columbia, it was agreed that the Dominion Government should guarantee the interest for ten years from the date of the completion of the works at the rate of five per centum per annum, on such sum not exceeding one hundred thousand pounds sterling, as might be required for the construction of a first-class Graving Dock at Esquimalt; and by an Act passed in the thirty-seventh year of Her Majesty's reign, chaptered seventeen, advances were authorized to be made by the Governor General in Council to the Province of British Columbia out of the Consolidated Revenue Fund, for the construction of such Graving Dock, upon certificates of the progress of the work, to an extent not to exceed in the whole the sum of two hundred and fifty thousand dollars, in lieu of the aforesaid guarantee of interest; And whereas an Order of His Excellency the Governor General in Council was passed on the thirteenth of November, one thousand eight hundred and seventy-nine, defining the conditions upon which the aforesaid advances should be made, but was not acted upon; and on the twelfth of February, one thousand eight hundred and eighty, an Order of His Excellency the Governor General in Council was passed on a report of the Minister of Finance, dated on the eleventh of February, one thousand eight hundred and eighty, of which Order and report copies are contained in the schedule hereunto annexed, and it is expedient that the same be formally approved and confirmed by Parliament: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Order in Council confirmed.

1. The Order in Council mentioned in the preamble, and the report of the Minister of Finance therein referred to and approved, and the provisions and conditions respecting the construction of the said Graving Dock at Esquimalt, set forth in the said report, are hereby declared to be approved, sanctioned and confirmed by the Parliament of Canada.

SCHEDULE.

COPY OF A REPORT OF A COMMITTEE OF THE HONORABLE THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, ON THE 12TH FEBRUARY, 1880.

On a report, dated 11th February, 1880, from the Honorable the Minister of Finance, stating that he has had under

consideration despatches received from the Lieutenant-Governor of British Columbia, on the subject of the advances proposed to be made by the Dominion Government, for the construction of a Graving Dock at Esquimalt, and that in order to arrive at a settlement of the question, he has had several interviews with the Honorable the Attorney-General of the Province, who has been deputed to confer with the Dominion Government in connection with the same subject.

The Minister states that he has given the subject his most careful consideration, and that, in his opinion, it is desirable to modify the Order in Council of the 13th November last, and to substitute one in accordance with certain provisions and conditions set forth in his report, hereto attached.

The Committee recommend that said report be approved and acted on, and that copies of this Minute be transmitted to the Right Honorable the Secretary of State for the Colonies, and to the Lieutenant-Governor of British Columbia.

Certified.

J. O. COTÉ,
Clerk, Privy Council.

The undersigned has the honor to report that he has had under consideration despatches received from the Lieutenant-Governor of British Columbia, on the subject of advances proposed to be made by the Dominion Government for the construction of a Graving Dock at Esquimalt, and that in order to arrive at a settlement of the question, he has had several interviews with the Honorable the Attorney-General of the Province, who has been deputed to confer with the Dominion Government in connection with the same subject.

The undersigned has given the subject his most careful consideration, and now begs leave to state that, in his opinion, it is desirable to modify the Order in Council of the 13th November last, and to substitute one in accordance with the following provisions and conditions :—

Firstly. The Honorable Attorney-General having stated that the plans and specifications of the dock prepared by Messrs. Kinnipple and Morris, of London, England, have been left for inspection with the Department of Public Works, and are those upon which tenders have been invited, the undersigned recommends that advances be made to the Province as the work progresses, to an extent not to exceed in the whole the sum of $250,000, such advances not to include the value of any material or plant already obtained by the Provincial Government for the purposes of the Graving Dock.

Secondly. That such advances be made on the certificate of the Engineer of the Provincial Government, countersigned by the Agent of the Dominion Government in British Columbia.

Thirdly. That in case the Government of British Columbia should fail, from any cause, to proceed actively with the construction of the work for a period of three months

after the receipt of a written request from the Dominion Government to prosecute the same, then that the latter shall have the right to enter upon and take possession of the works and premises, and complete the same.

Fourthly. That in case of such entry, the Canadian Government shall be entitled to claim and receive from the Imperial Government the promised grant in aid of £50,000 sterling, or any increase of such grant. It is understood that if any balance of such grant in aid should remain unexpended after defraying the outlay made by the Dominion Government in consequence of the failure, as aforesaid, of the Province, such balance shall be paid to said Province, while, on the other hand, if said grant in aid should prove insufficient to complete the works, the amount of the deficiency shall be placed to the debit of the debt account of the Province. It is further understood that the right of property in the Dock shall, subject to the temporary right of possession, as before mentioned, remain in the Government of British Columbia.

That the Imperial Government shall be made a party to this arrangement, and its approval obtained.

Sixthly. That the sanction of the Legislature of British Columbia be also obtained to this agreement.

Seventhly. That, subject to the foregoing conditions, the advances so made of $250,000 shall not bear interest, and shall be considered as a grant of money in lieu of the 12th Article of the terms of Union between Canada and British Columbia.

All which is respectfully submitted.

(Signed) S. L. TILLEY,
Minister of Finance.

FINANCE DEPARTMENT,
February 11th, 1880.

No. 125.

2nd Session, 4th Parliament, 43 Victoria, 1880.

BILL.

An Act to confirm a certain Order of the Governor in Council, respecting the Graving Dock at Esquimalt.

Received and read, first time, Monday, 3rd May, 1880.

Second reading, Tuesday, 4th May, 1880.

Hon. Sir LEONARD TILLEY.

OTTAWA:
PRINTED BY MACLEAN, ROGER &Co.

1880.

No. 126.] **BILL.** [1880.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1880, and the 30th June, 1881, and for other purposes relating to the public service.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honorable Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and eighty, and the thirtieth day of June, one thousand eight hundred and eighty-one, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada that:—

$1,712,346.55 granted out of Consolidated Revenue Fund of Canada for purposes in Schedule A.

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

$23,301,208.76 granted out of Consolidated Revenue Fund of Canada for purposes in Schedule B.

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole twenty-three million three hundred and one thousand two hundred and eight dollars and seventy-six cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and eighty, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty-one, not other-

wise provided for, and set forth in Schedule B to this Act, and for other purposes in the said Schedule mentioned.

Detailed account to be rendered.

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

Declaratory as to certain loans authorized but not raised.

4. And whereas there remained on the thirty-first day of December last unborrowed and negotiable of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each respectively, viz :—

	$ cts.	$ cts.
For Intercolonial Railway		2,433,333 33
For opening communication and administration of the Government in the North-West Territories		1,460,000 00
For improvement of the River St. Lawrence		1,500,000 00
For the improvement of Quebec Harbour		1,200,000 00
For the Pacific Railway and Canadian Canals		7,300,000 00
And whereas there now remain the following, the issue of which for the purposes hereinafter mentioned has been authorised by Parliament :		
For general purposes, balance, 30th June, 1879	1,684,462 90	
For balance of Imperial Guarantee	2,920,000 00	
For debentures to be held for note issue, not to exceed	15,000,000 00	
For Dominion Stock redeemed, to 31st December, 1879	3,719,319 68	
For sterling bonds do	1,913,243 56	
For do due 1st July, 1880	4,152,569 95	
	29,389,596 09	
Deduct—		
Issued Dominion Loan of 1879	14,600,000 00	
Issued Dominion Stock, to 31st Dec., 1879	5,037,815 60	
	19,637,815 60	
		9,751,780 49
		$23,645,113 82

Such loans may be raised under 35 V., c. 6, as amended by 38 V., c. 4.

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled: "*An Act respecting the Public Debt, and the raising of Loans authorized by Parliament*," as amended by the Act passed in

the thirty-eighth year of Her Majesty's reign, intituled: "*An Act to amend the Act respecting the Public Debt and the raising of Loans authorized by Parliament*," and the sums so raised shall form part of the Consolidated Revenue Fund of Canada out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Application of sums so raised.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the Financial Year ending 30th June, 1880, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.	$ cts.	$ cts.
Department of Justice—To provide for the salaries of one Senior Second-Class Clerk and one Junior Second-Class Clerk from July 1st, 1879, and January 1st, 1880, respectively	1,525 00	
Privy Council Office—Additional amount required for contingencies	500 00	
Department of the Interior, Indian Branch—To provide for the salaries of two Junior Second-Class Clerks, for 4 and 3 months, respectively, at $700 per annum	408 33	
Auditor-General's Office—Additional amount required for contingencies	500 00	
Post Office Department—Additional amount required for salaries	1,025 00	
Civil Service Board—Amount required for salaries of the Board	600 00	
To provide for the salary of the High Commissioner of Canada in London, from 1st March to 30th June, 1880	3,333 33	
Contingencies of the High Commissioner of Canada in London, from 1st March to 30th June, 1880	3,000 00	
		10,891 66
ADMINISTRATION OF JUSTICE.		
Amount required to meet the expenses incurred in carrying out the provisions of the Better Prevention of Crimes Act		300 00
POLICE.		
Additional amount required for Special Service		747 25
PENITENTIARIES.		
British Columbia—Amount required for School Teacher	200 00	
St. John, N.B.—Amount required for purchase of broom corn	2,200 00	
Manitoba Penitentiary—Additional amount required to complete this service	3,101 00	
		5,501 00
LEGISLATION.		
Additional amount required for stationery for the use of Members of Parliament	1,546 31	
Amount required for the printing of the Criminal Laws	2,500 00	
House of Commons—Additional amount required for witnesses, shorthand writers and postages	2,455 00	
To refund the amount expended out of the appropriation for the current year to finish the publication of the Debates of the last Session	4,425 00	
Parliamentary Library—Amount required to defray expense of making new catalogues	500 00	
		11,426 31
Carried forward		28,866 22

SCHEDULE A—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		28,866 22
IMMIGRATION AND QUARANTINE.		
Amount required to cover cost of repairs to Immigrant Hospital, Partridge Island, St. John, N.B.	1,000 00	
Amount required to recoup, in part, the large expenditure for Immigration in 1874-75, made by the Government of New Brunswick	10,000 00	
		11,000 00
ARTS, AGRICULTURE AND STATISTICS.		
Paris Exhibition (Revote)		25,000 00
MILITIA.		
SPECIAL.		
Amount required for special service in the North-West Territories, in connection with the organization of militia for the protection of settlers	4,000 00	
Amount required to provide for the expenditure in converting smooth-bore ordnance into 64-pounder "Palliser" guns, and the manufacture of two 7-inch 8½ ton guns and carriages	16,500 00	
Amount required to provide for the expenditure for transportation in the exchange of "A" and "B" Batteries, Schools of Gunnery, between Quebec and Kingston	2,000 00	
ORDINARY.		
Drill Instruction—Supplement to vote under this head for current year	2,520 00	
		25,020 00
RAILWAYS AND CANALS.		
(Chargeable to Capital.)		
RAILWAYS.		
Intercolonial Railway—Amount required for extension into Halifax	5,500 00	
Additional amount required on Construction Account	29,000 00	
Amount required for rolling stock, Rivière du Loup Branch	159,100 00	
Rivière du Loup Branch—Box and flat cars	94,400 00	
Prince Edward Island Railway—Additional amount required for Souris Extension	18,000 00	
Amount required for extension to Souris Breakwater	2,000 00	
Canadian Pacific Railway—Amount required for Pembina Branch	25,000 00	
Amount required for rolling stock	120,000 00	
do do surveys	75,000 00	
CANALS.		
Lachine Canal—To pay D. McLanaghan amount due him for board and lodging of workmen on Section 9	697 00	
Culbute Canal—Land damages	7,000 00	
		535,697 00
Carried forward		625,583 22

SCHEDULE A.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			625,583 22
RAILWAYS AND CANALS.			
(*Chargeable to Income.*)			
RAILWAYS.			
Miscellaneous—Amount required for surveys inspections			2,000 00
PUBLIC WORKS AND BUILDINGS.			
(*Chargeable to Capital.*)			
PUBLIC BUILDINGS.			
Ottawa.			
Terrace Walls—To pay Harrow & Sinclair, contractors, balance due on final estimate			2,592 67
PUBLIC WORKS AND BUILDINGS.			
(*Chargeable to Income.*)			
Parliament Buildings—To cover cost of damage by fire	12,000 00		
Amount required for improved ventilation	4,200 00		
Amount required to cover cost of Telephonic Service, Parliament and Departmental Buildings	2,500 00		
		18,700 00	
PUBLIC BUILDINGS.			
New Brunswick.			
Dorchester Penitentiary—Additional amount required	31,500 00		
St. John Custom House do do	60,000 00		
Fredericton Post Office do do	6,000 00		
Quebec.			
Quebec and Lévis Fortifications, including Dufferin Improvements—Additional sum required	10,000 00		
Montreal Examining Warehouse—Unexpended balance of appropriation of 1878-79 carried forward by special warrant	3,656 64		
St. Vincent de Paul Penitentiary—For additions, alterations and repairs	7,700 00		
Ontario.			
Ottawa—Amount required for Geological Museum, including purchase of building	30,000 00		
Ottawa Drill Shed—To pay Ottawa Gas Company, and balance due to contractor	879 49		
Carried forward	149,736 13	18,700 00	630,175 89

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	149,736 13	18,700 00	630,175 89
PUBLIC WORKS AND BUILDINGS—*Concluded.*			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS—*Concluded.*			
Ontario—Concluded.			
Kingston Penitentiary—Additional amount required, including unexpended balance of appropriation of 1878-79	7,700 00		
Kingston Military School—Balance of appropriation for 1878-79, unexpended on 30th September, 1879, and carried forward by special warrant	3,107 11		
Manitoba.			
Manitoba Penitentiary—To pay for lumber required to build a temporary fence	2,000 00		
British Columbia.			
Victoria (B.C.) Penitentiary—Amount of award of Official Arbitrators in favor of Kinsman & Styles	5,632 00		
Public Buildings Generally.			
Additional amount required for salaries and travelling expenses of Staff, &c	5,000 00		
		173,175 24	
RENTS, REPAIRS, &C.			
Rents, repairs, furniture, heating, &c.—Additional amount required	45,000 00		
Gas, Public Buildings, Ottawa—Additional amount required	5,000 00		
Fuel and light, Rideau Hall—Additional amount required	3,000 00		
		53,000 00	
HARBOURS AND RIVERS.			
Nova Scotia.			
West Arichat, Richmond County—Amount required to pay salary of Inspector of Works	500 00		
Petitdegrat, N.S., Isle Madame—Opening passage from head of Petitdegrat Inlet into Rocky Bay	2,000 00		
New Brunswick.			
Oromocto River—Amount required to pay G. H. Miles for removal of obstructions	100 00		
Richibucto Harbour—Amount required for protection of beach	800 00		
		3,400 00	
Carried forward		248,275 24	630,175 89

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	248,275 24	630,175 89
PUBLIC WORKS AND BUILDINGS—*Concluded.*		
(*Chargeable to Income.*)		
DREDGING.		
Maritime Provinces—Amount required for special repairs to dredge vessels	4,000 00	
MISCELLANEOUS.		
Survey and Inspections—Additional amount required 15,000 00		
Amount required for relief of fishermen on the east coast of Labrador 437 24		
To pay interest on purchase money of Bunker's Island, N.S 106 52		
	15,543 76	
		267,819 00
OCEAN AND RIVER SERVICE		
Amount required in connection with the removal of the wrecked barque "Emigrant" from Charlottetown, P.E.I., Harbour		325 00
LIGHTHOUSE AND COAST SERVICE.		
Amount required for wharf and fog-alarm building, at Head Harbour, New Brunswick	5,000 00	
Amount required to provide for unforeseen repairs to lighthouses in the Gulf of St. Lawrence and Miramichi Bay, damaged by the storm in October, 1879	3,000 00	
		8,000 00
FISHERIES.		
Amount required to provide for protection of the Fisheries in the Gulf and Lower St. Lawrence	3,000 00	
Amount required to cover legal expenses in case McFee *vs.* Mowat	315 52	
		3,315 52
MARINE HOSPITALS.		
Amount required to provide for the purchase of land and building, at Alberton, P.E.I., to be used as a Marine Hospital		1,200 00
INDIANS.		
To provide for the payment of further annuities under Treaties Nos. 1, 2, 4, 5 and 6	30,462 00	
To provide for the purchase of seed grain and cattle	13,050 00	
Further amount required for provisions for Indians assembled to receive annuities, and also for relief afforded under treaties	68,000 00	
To provide for the purchase of 1,000 sacks of flour	6,500 00	
To provide against the possibility of famine amongst the Indians of the North-West during the coming spring	9,952 00	
Carried forward	127,964 00	910,835 41

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	127,964 00	910,835 41
INDIANS—*Concluded.*		
Further amount required in connection with the establishment of Government and Indian farms and surveys	47,498 00	
Additional amount required for the payment of Instructors in Agriculture and Farm Laborers in the North-West	10,000 00	
Additional amount required for contingencies	1,000 00	
		186,462 00
NORTH-WEST MOUNTED POLICE.		
Additional sum required to complete this service		25,000 00
MISCELLANEOUS.		
To pay Mr. E. Miall a further sum in recognition of his services in connection with the Halifax Fisheries Commission	500 00	
To pay Mr. J. G. Moylan balance of account for removal expenses from Toronto to Ottawa	300 00	
To pay Mr. Justice Armour in full for professional services rendered by him in connection with the northern and western boundary of Ontario	2,000 00	
To recoup Mr. Blair Botsford, $105, Warden, and Mr. J. B. Foster, $66, Deputy Warden of Dorchester Penitentiary; expenses incurred in visiting the Penitentiary at Kingston	171 00	
To cover amount of grant for relief of distress in Ireland	100,000 00	
To repay the Government of Prince Edward Island the cost of maintenance of prisoners whose sentences were two years and upwards	16,589 25	
To pay for 400 copies Todd's "Parliamentary Government in the British Colonies"	1,600 00	
Amount required to pay for the keep of a criminal lunatic in British Columbia, from 30th September, 1878, to 30th June, 1880	455 00	
Amount required to cover cost, freight and packing of Indian curiosities purchased by Superintendent Powell	1,235 55	
To provide for the grant in aid of the sufferers by the Hull fire	7,000 00	
Sum required to refund to certain Deputy Inspectors of Weights and Measures whose services have been dispensed with, the amount deducted from their salaries on account of superannuation	2,877 27	
To pay Sir Alexander Galt for services and expenses, June, July, August and September, whilst continuing trade negotiations with Spain, France, &c	6,500 00	
		139,228 07
COLLECTION OF REVENUES.		
CUSTOMS.		
Additional amount required for various Customs Ports	6,000 00	
Amount required for Board of Experts and Outside Detective Service	10,000 00	
To pay claims for arrears of salary of officers and ex-officers of the Customs in Prince Edward Island	2,233 86	
	18,233 86	
EXCISE.		
Additional amount required for travelling expenses, rent, fuel, stationery, &c., for Outside Service	2,500 00	
Carried forward	20,733 86	1,261,525 48

SCHEDULE A.—*Concluded.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		20,733 86	1,261,525 48
COLLECTION OF REVENUES—*Concluded.*			
WEIGHTS AND MEASURES.			
To liquidate liabilities incurred under the Weights and Measures Act of 1873, which could not be settled until after the vote for 1878-79 had lapsed		3,500 00	
RAILWAYS AND CANALS.			
Railways.			
Canadian Pacific Railway—Amount required to defray the cost of operating line from Emerson to Cross Lake, to 30th June, 1880	50,000 00		
Windsor Branch Railway—Maintenance of way	10,000 00		
Intercolonial Railway—Compensation to representatives of the late E. C. Ennis, injured by an accident on the Intercolonial Railway, in February, 1878	400 00		
Canals.			
Additional amount required for repairs and working expenses, as follows:—			
Cornwall	1,700 00		
Welland	30,000 00		
Rideau	1,800 00		
Chambly	3,500 00		
St. Lawrence	4,000 00		
Miscellaneous	1,000 00		
		102,400 00	
POST OFFICE.			
Additional amount required to complete this service		60,000 00	
DOMINION LANDS.			
Surveys—Amount required for balances of outstanding accounts for subdivision and block surveys	5,000 00		
Cost of publication of pamphlets advertising Dominion Lands, &c	13,600 00		
Additional amount required for contingencies	1,000 00		
Manitoba and North-West—For pay, &c., of Land Guides.	4,414 40		
British Columbia—Additional amount required	5,494 61		
		29,509 01	
			216,142 87
UNPROVIDED ITEMS.			
Unprovided items of 1878-79, *vide* Auditor-General's Report			234,678 20
Total			1,712,346 55

SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1881, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.	$ cts.	$ cts.
Financial Inspector	2,600 00	
Office of Assistant Receiver-General, Toronto	8,000 00	
do do Montreal	5,500 00	
Auditor and do Halifax	10,000 00	
do do St. John, N.B.	11,400 00	
do do Winnipeg	5,250 00	
do do Victoria, B.C.	7,000 00	
do do Charlottetown, P.E.I.	4,000 00	
Country Savings Banks: New Brunswick, Nova Scotia and British Columbia	12,500 00	
		66,250 00
CIVIL GOVERNMENT.		
Governor General's Secretary's Office	11,000 00	
Office of the Queen's Privy Council for Canada	14,392 50	
Department of Justice	13,900 00	
do Penitentiaries Branch	5,300 00	
Department of Militia	37,010 00	
do Secretary of State	35,155 00	
do Interior	60,850 00	
do do Indian Branch, to provide for the salaries of two Junior Second Class Clerks	1,400 00	
Office of the Auditor-General	18,275 00	
Department of Finance	53,715 00	
Office of the Treasury Board	2,700 00	
Department of Inland Revenue	30,342 50	
do Customs	31,705 00	
do Postmaster-General	104,220 00	
do Agriculture	32,450 00	
do do for the salaries of two Model Keepers, heretofore paid out of contingencies	900 00	
do Marine and Fisheries	28,310 00	
do Public Works	30,200 00	
do Railways and Canals	39,760 00	
Civil Service Board—Amount required to cover salaries of	600 00	
Departmental Contingencies	137,750 00	
Amount required to provide for contingent expenses of the High Commissioner of Canada in London	4,000 00	
Stationery Office for Stationery	5,000 00	
To meet the possible amount required for new appointments by an extension of the Staff or any other change	5,000 00	
		703,935 00
Carried forward		770,185 00

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		770,185 00
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice, including North-West Territories	15,000 00	
Travelling expenses of Stipendiary Magistrates in North-West Territories	4,500 00	
Circuit Allowances, British Columbia	10,000 00	
do Manitoba	1,500 00	
Precis Writer of the Supreme Court of Canada and the Exchequer Court	2,000 00	
Clerk in the office of the Registrar of the Supreme Court of Canada and Exchequer Court	575 00	
Senior Messenger of the Supreme Court of Canada and the Exchequer Court	500 00	
Second Messenger of the Supreme Court of Canada and the Exchequer Court	360 00	
Contingencies and disbursements, including printing, binding and distributing Reports, Judges' travelling expenses; also salaries of Officers (Sheriff, Usher, &c.), in the Supreme and Exchequer Courts of Canada, and $150 for books of Judges	5,000 00	
Sundry disbursements connected with the Maritime Court of Ontario, Judge's travelling expenses, &c	500 00	
Salary of Registrar of Vice-Admiralty Court, Quebec	666 66	
do Marshal do do	333 34	
		40,935 00
POLICE.		
Dominion Police	13,000 00	
Additional amount required for special service	638 75	
		13,638 75
PENITENTIARIES.		
Kingston	136,211 50	
St. Vincent de Paul	81,800 02	
Dorchester	54,300 00	
Manitoba	25,573 50	
British Columbia	15,826 30	
		313,711 32
LEGISLATION.		
SENATE.		
Salaries and contingent expenses of the Senate	55,838 00	
HOUSE OF COMMONS.		
Salaries, per Clerk's estimate	58,400 00	
Expenses of Committees, extra Sessional Clerks, &c	12,300 00	
Contingencies	19,600 00	
Publishing Debates	15,000 00	
Salaries and contingencies, per Sergeant-at-Arms' estimate	27,775 00	
Contingencies; Additional amount required for stationery and postage	2,200 00	
Carried forward	191,113 00	1,138,470 07

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		191,113 00	1,138,470 07
LEGISLATION—*Concluded.*			
MISCELLANEOUS.			
Grant to Parliamentary Library		7,000 00	
Library—Amount required for the readjustment of the salaries of five Library Clerks and Chief Messenger		500 00	
For purchase of books (this amount to be considered as an advance on account of the usual grant for 1881-82)		3,500 00	
To defray expenses of extra services in making new catalogues of the historical and general departments		850 00	
Salaries of officers (additional) and contingencies of Library		5,000 00	
Printing, binding and distributing the laws		12,000 00	
Printing, printing paper and bookbinding		70,000 00	
Salary of the Clerk of the Crown in Chancery		2,000 00	
Contingencies do do		1,200 00	
Miscellaneous printing		2,000 00	
			295,163 00
ARTS, AGRICULTURE AND STATISTICS.			
To meet expenses in connection with the care, collection and collation of public archives		5,000 00	
To meet expenses in connection with Patent Record		7,200 00	
To meet expenses in connection with preparation of criminal statistics		5,000 00	
To meet expenses in connection with the census		200,000 00	
To provide grant to assist in giving to the forthcoming Quebec Exhibition (to be held at Montreal) a Dominion character; the distribution of the grant, or any part thereof, to be applied and apportioned in such way as to satisfy the Minister of Agriculture		5,000 00	
			222,200 00
IMMIGRATION AND QUARANTINE.			
Salaries of Immigration Agents and employés, viz.:			
Agent, Quebec	1,500 00		
Assistant, Quebec	1,000 00		
Clerk do	1,000 00		
Norwegian Interpreter, Quebec	450 00		
Messenger, Quebec	200 00		
Agent, Montreal	1,200 00		
do Ottawa	1,200 00		
do Kingston	1,100 00		
do Toronto	1,400 00		
do Hamilton	1,100 00		
do London, Ont	800 00		
do Halifax	1,000 00		
do St. John	1,000 00		
do Manitoba	2,400 00		
do North-West	1,200 00		
Clerks and Messengers in London (England) office	7,000 00		
Salaries of special agents in Europe	5,200 00		
Contingencies of Canadian and other agencies	24,000 00		
Travelling expenses of travelling agents in Europe	7,000 00		
Towards assisting immigration and immigration expenses	100,000 00		
Towards settling accounts for Immigration Commissions outstanding since 1876	8,000 00		
		167,750 00	
Carried forward		167,750 00	1,655,833 07

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		167,750 00	1,655,833 07
IMMIGRATION AND QUARANTINE—*Concluded.*			
Medical Inspection, Quebec	1,300 00		
Quarantine, Grosse Isle	9,566 00		
do St. John, N.B	2,400 00		
do Pictou, N S.	800 00		
do Halifax, N.S.	3,200 00		
do Charlottetown, P.E.I.	1,600 00		
Towards assisting in the maintenance of the Tracadie Lazaretto	3,000 00		
To meet expenses of precautionary measures for public health :—			
Public health	5,000 00		
Cattle quarantine	10,000 00		
		36,266 00	
			204,016 00
PENSIONS.			
John Bright, Messenger, House of Assembly		80 00	
NEW MILITIA PENSIONS.			
Mrs. Caroline McEachern and four children	$238 00		
Janet Anderson	110 00		
Margaret McKenzie	80 00		
Mary Ann Richey and one child	288 00		
Mary Morrison	80 00		
Louise Prudhomme	110 00		
Virginie Charron and four children	150 00		
Paul M. Robins	146 00		
Charles T Bell	73 00		
Alex. Oliphant	109 50		
Charles Lugsden	91 25		
Thomas Charters	91 25		
Charles T. Robertson	110 00		
Percy G. Routh	400 00		
Richard S.King	400 00		
George A. Mackenzie	73 00		
Edwin Hilder	146 00		
Fergus Schofield	73 00		
John Bradley	109 50		
James Bryan	109 50		
Ensign W. Fahey	200 00		
Mary Hodgins and three children	191 00		
John Martin	110 00		
A. W. Stevenson	110 00		
Mrs. J. Thorburn	150 00		
Mrs. P. T. Worthington and three children	378 00		
Mrs. J. H. Elliott and children	130 00		
Ellen Kirkpatrick and three children	226 00		
Mrs. George Prentice and children	352 00		
Mary Hannah Tempest and child	298 00		
		5,133 00	
To meet the probable amount required for pensions to veterans of war of 1812		30,000 00	
Compensation to pensioners in lieu of land		6,500 00	
Amount required to provide for the retiring allowances of five County Court Judges, British Columbia		8,866 66	
			50,579 66
Carried forward			1,910,428 73

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			1,910,428 73
MILITIA.			
ORDINARY.			
Salaries of Military Branch and District Staff		23,800 00	
Salaries of Brigade Majors		17,400 00	
Allowances for drill instruction		40,000 00	
Ammunition	$25,000 00		
Clothing	50,000 00		
Military stores	40,000 00		
		115,000 00	
Public armouries and care of arms, including storekeepers and caretakers, storemen, and the rents, fuel and light of public armouries		52,000 00	
Drill pay and all other incidental expenses connected with the drill and training of the Militia		175,000 00	
Contingencies and general service, not otherwise provided for, including assistance to Artillery and Rifle Associations and Bands of efficient corps		46,000 00	
Drill sheds and rifle ranges		10,000 00	
EXTRAORDINARY.			
Care and maintenance of military properties transferred from the Ordnance and Imperial Government, including rents		8,000 00	
Royal Military College		59,000 00	
Military schools and drill instructors in colleges		14,000 00	
Pay, maintenance and equipment of "A" and "B" Batteries, Garrison Artillery, and Schools of Gunnery at Kingston and Quebec		115,000 00	
Pay and maintenance of Guard at Rideau Hall		5,000 00	
			680,200 00
RAILWAYS AND CANALS.			
(*Chargeable to Capital.*)			
RAILWAYS.			
Intercolonial, extension to deep water at St. John		30,000 00	
do Repairs and improvements on line between Rivière du Loup and Hadlow		116,000 00	
do Legal expenses		3,000 00	
Halifax extension—			
Land taken for station purposes		1,092 00	
Fees of Arbitrators in Milner land case		650 00	
To pay James Wilson for land taken for ballast-pit at Miramichi Bridge		1,500 00	
Pacific:—Canada Central Extension (subsidized)		570,000 00	
do Fort William to English River	65,000 00		
do English River to Eagle River	1,600,000 00		
do Eagle River to Keewatin	2,500,000 00		
do Keewatin to Selkirk	680,000 00		
do Pembina Branch	86,000 00		
do West of Red River, including temporary bridge	1,450,000 00		
do British Columbia, Emory's Bar to Savona's Ferry	1,000,000 00		
Carried forward	7.381,000 00	722,242 00	2,590,628 73

SCHEDULE B.—*Continued*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	7,381,000 00	722,242 00	2,590,628 73
RAILWAYS AND CANALS—*Continued.*			
(*Chargeable to Capital.*)			
RAILWAYS—*Concluded.*			
Pacific:—Telegraph Lines and Roadway	60,000 00		
do Station and Terminal Accommodation	150,000 00		
do Rolling Stock	600,000 00		
		8,191,000 00	
CANALS.			
Lachine		800,000 00	
Cornwall		80,000 00	
St. Lawrence		80,000 00	
Welland		800,000 00	
St. Anne's Lock and Canal		150,000 00	
Carillon Lock and Canal		300,000 00	
Grenville		250,000 00	
Culbute		4,000 00	
St. Peter		17,400 00	
Miscellaneous		10,000 00	
			11,404,642 00
RAILWAYS AND CANALS.			
(*Chargeable to Income.*)			
CANALS.			
Chambly Canal.			
Purchase of a building to be used for the Collector's office, St. John's.		1,000 00	
Welland Canal.			
Rebuilding superstructure of toll bridge, Dunnville		12,000 00	
To rebuild a bridge on the line of Canal street, Dunnville		5,500 00	
Burlington Bay Canal.			
Renewal of piers		10,000 00	
Miscellaneous.			
Miscellaneous works not otherwise provided for		5,000 00	
Arbitrations and awards		5,000 00	
Surveys and inspections		10,000 00	
			48,500 00
Carried forward			14,043,770 73

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		14,043,770 73
PUBLIC WORKS AND BUILDINGS.		
(*Chargeable to Capital.*)		
PUBLIC BUILDINGS, OTTAWA.		
Eastern Block, Departmental Buildings, construction of fire and burglar-proof vaults	8,000 00	
Western Block, Departmental Buildings, finishing rooms in basement for Dead Letter Branch, Post Office Department	2,400 00	
TELEGRAPHS.		
For Land and Cable Telegraph Lines for the Sea Coasts and Islands of the Lower River and Gulf of St. Lawrence, &c., &c.	200,000 00	
		210,400 00
PUBLIC WORKS AND BUILDINGS.		
(*Chargeable to Income.*)		
PUBLIC BUILDINGS.		
Ontario.		
Ottawa Drill Shed	3,000 00	
Ottawa Post Office, balance of purchase of land	5,042 06	
Belleville Public Buildings (site)	6,000 00	
Kingston Military College	10,000 00	
do Fortifications	6,000 00	
do Penitentiary	11,500 00	
St. Catharines Post Office	6,000 00	
Brantford Post Office, Custom House, &c., to complete	10,500 00	
Hamilton Post Office	1,500 00	
Windsor Post Office and Custom House, to complete	12,000 00	
Kingston Military Buildings—Repairs, &c	4,000 00	
Windsor Post Office and Custom House	6,000 00	
Quebec.		
Grosse Isle Quarantine Station, New Hospital, Grosse Isle, Shifting Buildings	13,000 00	
Quebec and Lévis Fortifications, including Dufferin Improvements, viz.: Quebec Fortifications, Dufferin Improvements (under contract), Lévis Fortifications	40,000 00	
Durham Terrace Extension	5,000 00	
Securing Cliff under Citadel, including purchase of property	35,000 00	
Quebec Marine Hospital, repairs and renewals	2,000 00	
Quebec Custom House, new heating apparatus, and fitting up attic rooms	10,000 00	
Quebec Artillery Barracks } Cartridge Factory for Small Arms }	2,000 00	
Three Rivers—Fitting up Old Barracks for Public Offices.	2,500 00	
Sherbrooke—Post Office, Custom House, Inland Revenue, and Weights and Measures Offices	12,000 00	
Carried forward	203,042 06	14,254,170 73

SCHEDULE B.—*Continued.*

SERVICE.		Amoun	Total.
		$ cts.	$ cts,
Brought forward...	203,042 06	....	14,254,170 73
PUBLIC WORKS AND BUILDINGS—*Continued.*			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS—*Continued.*			
Quebec—Concluded.			
Montreal Inland Revenue Offices, addition to present building.....	9,000 00		
St. John's Post Office, Custom House, &c	3,000 00		
St. Vincent de Paul Penitentiary, new Dormitory and Dining Hall	20,000 00		
Citadel—Repairs to roof.....	4,000 00		
New Brunswick.			
St. John Custom House.....	54,000 00		
St. John Post Office.	44,500 00		
Fredericton Post Office..	4,000 00		
General Penitentiary for the Maritime Provinces, at Dorchester, to complete present building	27,000 00		
To construct new wing.....	20,000 00		
Dorchester Penitentiary—to pay Mr. Alexander Mackenzie the extra cost of stone.....	22,480 00		
Woodstock Post Office, Custom House, &c., (site)..	2,000 00		
Nova Scotia.			
Sydney Quarantine Hospital.	2,000 00		
Lunenburg Marine Hospital....	3,500 00		
Halifax Custom House—Repairs to roof..	2,000 00		
To pay Mr. H. G. Hill balance due for professional services as Superintending Architect, N.S.....	691 07		
Prince Edward Island.			
Charlottetown Marine Hospital...	4,000 00		
Manitoba.			
Manitoba Penitentiary...	5,000 00		
Winnipeg Shed and Immigrant Hospital	4,000 00		
Penitentiary—Outbuildings, Guards' Cottages, &c.....	1,500 00		
Heating Apparatus.....	3,000 00		
Winnipeg Immigrant Reception House—Additional amount required	4,000 00		
Parliament Buildings, Winnipeg—Amount required	12,000 00		
Lieutenant-Governor's Residence—Amount required..	10,000 00		
North-West Territories.			
Immigration Shed, west of Winnipeg..	5,000 00		
Public Buildings generally.....	10,000 00		
Dominion Lunatic Asylum or Hospital.	10,000 00		
Carried forward.....	489,713 13	....	14,254,170 73

SCHEDULE B.—*Continued*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	489,713 13		14,254,170 73
PUBLIC WORKS AND BUILDINGS—*Continued.*			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS—*Concluded.*			
British Columbia.			
Custom House, Store House and Wharf, Victoria	5,000 00		
Post Office, Victoria	10,000 00		
British Columbia Penitentiary—Fence Walls, &c	5,000 00		
Public Buildings, repairs, New Westminster Post Office	2,000 00		
Public Buildings generally.		526,713 13	
Public Buildings generally	15,000 00		
RENTS, REPAIRS, &C.			
Rents, repairs, furniture, heating, &c	175,000 00		
Grounds	4,000 00		
Removal of Snow, Public Buildings, Ottawa	1,800 00		
Heating Public Buildings, Ottawa	40,000 00		
Gas, Public Buildings, Ottawa	23,000 00		
Water, Public Buildings, Ottawa, hitherto in rents, repairs, &c	9,000 00	260,800 00	
Allowance for fuel and light, Rideau Hall	8,000 00		
HARBOURS AND RIVERS.			
Ontario.			
River Trent	2,000 00		
River Otonabee	1,350 00		
Cobourg Harbour	12,500 00		
Morpeth Harbour (locality furnishing $4,000)	6,000 00		
Rondeau Harbour	6,000 00		
Kincardine Harbour	4,000 00		
Owen Sound Harbour	6,000 00		
Collingwood Harbour	6,000 00		
Little Current, Lake Huron, deepening of channel	10,000 00		
General repairs and improvements, Harbours and Rivers, Ontario	6,000 00		
Toronto Harbour—To continue improvements	12,500 00		
Port Albert, Lake Huron—Repairs and dredging	1,500 00		
Big Bay, Lake Huron	500 00		
Collingwood Harbour—Additional amount required	2,000 00		
Bridge at Des Joachims Rapids, Ottawa River (Ontario and Quebec each paying $4,000)	8,000 00		
Quebec.			
New Carlisle (municipality having voted $1,000)	1,000 00		
Carleton (locality providing $2,500)	2,500 00		
Cap à l'Aigle (municipality furnishing same amount)	3,000 00		
Ile aux Coudres (municipality furnishing same amount)	4,000 00		
St. Thomas	3,500 00		
Grosse Isle	7,000 00		
Carried forward	105,350 00	787,513 13	14,254,170 73

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	105,350 00	787,513 13	14,254,170 73
PUBLIC WORKS AND BUILDINGS—*Continued.*			
(*Chargeable to Income.*)			
HARBOURS AND RIVERS—*Continued.*			
Quebec—Concluded.			
Anse St. Jean	1,500 00		
Berthier (*en haut*)	3,000 00		
River St. Lawrence—Removal of chains, anchors, &c	10,000 00		
General repairs and improvements, Harbours and Rivers, Quebec	10,000 00		
Etang du Nord—Magdalen Islands	5,000 00		
Escoumains—Removal of boulders	1,000 00		
Isle aux Grues—Repairs to pier	500 00		
Rivière Ouelle—Repairs to pier	1,500 00		
Ste. Famille, Island of Orleans—Breakwater	2,500 00		
Rivière du Loup *en haut*—Deepening entrance	1,000 00		
New Brunswick.			
St. John Harbour	6,000 00		
Pointe du Chêne	15,000 00		
Sackville Harbour—Protection works	750 00		
Shippegan—Repairs to East Gully Dam	2,000 00		
River St. John—Improvements above and below Grand Falls	2,000 00		
Richibucto—Pier	1,200 00		
Nova Scotia.			
Gabarus Harbour and Indian Island Beach	2,200 00		
Cow Bay	11,820 00		
Burying Island, Canso Harbour	5,000 00		
Annapolis	750 00		
Pictou Island	2,000 00		
Main à Dieu—Breakwater	4,000 00		
Partridge Island—River	2,000 00		
Merigomish—Pier	1,000 00		
Metaghan—Breakwater	2,250 00		
Cow Bay—To pay Messrs. Archibald & Co. for work executed in 1876	5,974 30		
Port Hood—Repairs to breakwater	3,000 00		
Arisaig—Repairs to pier	200 00		
Prince Edward Island.			
Souris, Colville Bay	8,500 00		
Malpeque, Prince County	1,400 00		
St. Peter's Bay—Repairing breakwater	2,500 00		
Wood Island—Breakwater	2,000 00		
Miminegash do	1,000 00		
Tignish do	3,000 00		
Carried forward	226,894 30	787,513 13	14,254,170 73

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	226,894 30	787,513 13	14,254,170 73
PUBLIC WORKS AND BUILDINGS—*Continued.*			
(*Chargeable to Income.*)			
HARBOURS AND RIVERS—*Concluded.*			
Maritime Provinces Generally.			
General repairs and improvements, Harbours and Rivers, Maritime Provinces	10,000 00		
Manitoba.			
General repairs and improvements, Harbours and Rivers, Manitoba	1,000 00		
British Columbia.			
Nasse River—Removal of snags	1,000 00		
General repairs and improvements, Harbours and Rivers, British Columbia	2,000 00		
		240,894 30	
DREDGING.			
Purchase of dredging plant	16,000 00		
Dredge vessels—Repairs	13,000 00		
Nova Scotia, Prince Edward Island, New Brunswick	42,000 00		
Quebec	20,000 00		
Ontario	8,000 00		
British Columbia	10,000 00		
General service	5,000 00		
		114,000 00	
SLIDES AND BOOMS.			
To pay J. B. Normand for services as Acting Superintendent, St. Maurice Works, from October, 1875, to October, 1878, as per account		1,095 00	
TELEGRAPHS.			
Land and cable telegraph lines for the sea coasts and islands of the Lower Rivers and Gulf of St. Lawrence and the Maritime Provinces, viz.:			
Extension of the coast telegraph system of the Lower Rivers and Gulf of St. Lawrence, from Baie St. Paul to Bersimis and branch to Chicoutimi	10,000 00		
Proposed new submarine cable route between Vancouver's Island and mainland *viâ* Nanaimo and Point Grey	26,000 00		
Transfer of the Western Union Telegraph Company's lines and cables to the Government of Canada	24,000 00		
		60,000 00	
Carried forward		1,203,502 43	14,254,170 73

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		1,203,502 43	14,254,170 73
PUBLIC WORKS AND BUILDINGS—*Concluded.*			
(*Chargeable to Income.*)			
MISCELLANEOUS.			
Miscellaneous works not otherwise provided for	10,000 00		
Surveys and inspections	25,000 00		
Arbitrations and awards	5,000 00		
		40,000 00	
			1,243,502 43
OCEAN AND RIVER SERVICE.			
DOMINION STEAMERS.			
Maintenance and repairs of steamers "Napoleon III," "Newfield," "Druid," "Glendon," "Sir James Douglas," and "Northern Light"	125,000 00		
Amount required for the purchase and maintenance of a steamer to replace the "Lady Head"	55,000 00		
		180,000 00	
MAIL SUBSIDIES.			
Steam communication between Halifax and St. John *viâ* Yarmouth	10,000 00		
Steam communication on Lakes Huron and Superior	10,000 00		
Steam service between San Francisco and Victoria, British Columbia	25,000 00		
Steam communication with the Magdalen Islands	7,800 00		
Steam communication between Grand Manan, N.B., and mainland	1,500 00		
Subsidy to steamer between Campbellton, N.B., and Gaspé and intermediate ports	9,000 00		
To provide for one year's subsidy, to be granted at the rate of $50,000 per annum, to line of steamers to trade between Canada and West Indies and Brazil, provided a like amount be paid by the Brazilian Government	50,000 00		
For steam communication between Halifax, Cape Breton and Prince Edward Island	4,000 00		
For steam communication between Nova Scotia and St. Pierre	4,000 00		
		121,300 00	
To provide for the examination of Masters and Mates		4,250 00	
For purchase of life-boats, life-preservers, and rewards for saving life		3,000 00	
To provide for investigations into wrecks and casualties, and collection of information relating to disasters to shipping		1,500 00	
Expenses in connection with Canadian registration of shipping		500 00	
Montreal Water Police and River Police, Quebec		35,000 00	
Removal of obstructions in navigable rivers		1,500 00	
			347,050 00
LIGHTHOUSE AND COAST SERVICE.			
Salaries and allowances of lighthouse keepers		157,456 00	
Agencies, rents and contingencies		19,600 00	
Carried forward		177,056 00	15,844,723 16

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forwa d.	177,056 00	15,844,723 16
LIGHTHOUSE AND COAST SERVICE—*Concluded.*		
Maintenance and repairs to lights, fog-whistles, buoys and beacons, humane establishments and provision depots	255,415 00	
Cape Race light	800 00	
Completion and construction of lighthouses and fog-alarms	40,000 00	
Construction of a new lighthouse on Sands Head entrance to Fraser River, B.C.	14,000 00	
		487,271 00
FISHERIES.		
Salaries and disbursements of Fishery Overseers and Wardens :—		
Ontario	12,500 00	
Quebec	14,500 00	
Nova Scotia	15,000 00	
New Brunswick	12,000 00	
Prince Edward Island	3,000 00	
Manitoba	1,000 00	
British Columbia	2,000 00	
	60,000 00	
Fish-breeding, fishways and oyster beds	22,000 00	
To provide for legal and incidental expenses connected with the fisheries	800 00	
Advertising	1,000 00	
For legal expenses in connection with suits before Supreme Court for infraction of fishery laws	600 00	
		84,400 00
SCIENTIFIC INSTITUTIONS.		
OBSERVATORIES.		
Observatory, Quebec	$2,400 00	
do Toronto	4,800 00	
do Kingston	500 00	
do Montreal	500 00	
do New Brunswick	1,200 00	
	9,400 00	
Grant for Meteorological Observatories, including instruments and cost of telegraphing weather warnings	37,000 00	
		46,400 00
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.		
MARINE HOSPITALS.		
Marine and Immigrant Hospital, Quebec	20,000 00	
St. Catharines Hospital, Ontario	$500 00	
Kingston Hospital, Ontario	500 00	
	1,000 00	
Hospitals in the Provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia	35,000 00	
DISTRESSED SEAMEN.		
Expenses of shipwrecked and disabled Seamen	8,000 00	
		64,000 00
STEAMBOAT INSPECTION.		
To provide for the expenses of this service		15,000 00
Carried forward		16,541,794 16

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			16,541,794 16
INSPECTION OF INSURANCE COMPANIES.			
To meet expenses in connection with the inspection of Insurance Companies			6,000 00
GEOLOGICAL SURVEY.			
Geological Survey		50,000 00	
To meet probable expenditure in consequence of the transfer of Museum from Montreal to Ottawa		5,000 00	
			55,000 00
DOMINION LANDS.			
(Chargeable to Capital.)			
Amount required for surveys			300,000 00
INDIANS.			
Ontario and Quebec.			
Annual Grants:—			
For Indians of Quebec	4,200 00		
For purchase of blankets for aged and infirm Indians of Ontario and Quebec	1,600 00		
For Indian schools in Ontario and Quebec	5,000 00		
For annuities under the Robinson Treaty	14,000 00		
Amount required for transfer of Indian burying ground at Chicoutimi	250 00		
		25,050 00	
Nova Scotia.			
Indians of Nova Scotia generally		4,500 00	
New Brunswick.			
Indians of New Brunswick generally		4,500 00	
Prince Edward Island.			
Indians of Prince Edward Island generally		2,055 00	
British Columbia.			
Indians of British Columbia generally	26,788 00		
Surveys and Reserve Commission	24,140 00		
		50,928 00	
Carried forward		87,033 00	16,902,794 16

SCHEDULE B--*Continued*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		87,033 00	16,902,794 16
INDIANS—*Concluded.*			
Manitoba and the North-West.			
Annuities, Treaty 1	20,875 00		
do do 2	6,005 00		
do do 3	13,005 00		
do do 4	39,024 00		
do do 5	17,460 00		
do do 6	79,822 00		
do do 7	39,000 00		
Commutation of annuities	1,000 00		
		216,191 00	
Agricultural implements, cattle, seed-grain, tools, ammunition nnd twine, &c., furnished under Treaties :			
No. 1	3,271 00		
2	1,504 00		
3	4,145 00		
5	2,573 00		
4, 6 and 7	55,967 00		
		67,460 00	
Grist Mill		3,000 00	
Provisions for Indians assembled to receive annuity payments, for destitute Indians, &c.		130,686 00	
Triennial supply of clothing for chiefs and headmen, Treaties 4 and 7		2,806 00	
Salaries of school teachers and cost of school buildings		11,000 00	
Surveys of Indian reserves		15,000 00	
Wages of farmers and their assistants		36,430 00	
Sioux in Manitoba and North-West		7,000 00	
Buildings for Commissioner, house, office and storehouse		12,000 00	
General expenses, Manitoba Superintendency	$25,000 00		
do North-West Superintendency	36,430 00		
		61,430 00	
			650,036 00
NORTH-WEST MOUNTED POLICE.			
Pay of Force, including staff, and extra pay to farmers, gardeners and artisans		118,000 00	
Rations		45,000 00	
Forage		40,000 00	
Fuel and light		5,000 00	
Clothing		22,000 00	
Repairs and renewals, replacement of horses, arms and ammunition		30,000 00	
Medicines and medical comforts		1,500 00	
Books and stationery		1,000 00	
Transport and freight charges, guides, teamsters, &c.		24,500 00	
Contingencies		3,000 00	
			290,000 00
MISCELLANEOUS.			
Canada Gazette		4,000 00	
Miscellaneous printing		10,000 00	
Unforeseen expenses : expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament during the first fifteen days of the next session		50,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the army and navy		4,000 00	
Carried forward		68,000 00	17,842,830 16

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		68,000 00	17,842,830 16
MISCELLANEOUS—*Concluded.*			
For the expenses of Government in the North-West Territories		17,000 00	
do do District of Keewatin		5,000 00	
To meet expenditure estimated to be required to put in force the Act respecting the traffic in intoxicating liquors		5,000 00	
Probable amount required to compensate members of North-West Mounted Police for injuries received in discharge of duty		2,000 00	
			97,000 00
COLLECTION OF REVENUES.			
CUSTOMS.			
Salaries and Contingent Expenses of the several Ports:—			
In Province of Ontario	$219,735 00		
do Quebec	193,890 00		
do New Brunswick	92,005 00		
do Nova Scotia	107,405 00		
do Manitoba	13,000 00		
do North-West Territories	4,000 00		
do British Columbia	23,600 00		
do Prince Edward Island	22,930 00		
Salaries and travelling expenses of inspectors of ports, and travelling expenses of other officers on inspection	18,000 00		
Contingencies of head office, covering printing, stationery, advertising, telegraphing, &c., for the several ports of entry	15,000 00		
To meet probable expenditure in connection with the Board of Experts and Outside Detective Service	15,000 00		
		724,565 00	
EXCISE.			
Salaries of Officers and Inspectors of Excise	180,000 00		
To provide for improvement of classification subject to results of excise examination	6,000 00		
Travelling expenses, rent, fuel, stationery, &c	40,000 00		
To pay Collectors of Customs allowance on duties collected by them	2,000 00		
Preventive service	6,500 00		
To repay —— Wilson, an officer of excise, for certain disbursements and expenses incurred in protecting the revenue and in defending certain suits in law brought against him in consequence thereof	750 00		
Additional amount required to enable the Department to suppress the illicit manufacture of excisable articles	4,500 00		
		239,750 00	
CULLING TIMBER.			
Quebec Office.			
Supervisor	2,600 00		
Deputy Supervisor and Book-keeper	1,600 00		
Cashier	1,200 00		
Specification Clerks	1,800 00		
Messenger	400 00		
Carried forward	7,000 00	964,315 00	17,939,830 16

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	7,000 00	964,315 00	17,939,830 16
COLLECTION OF REVENUES—*Continued.*			
CULLING TIMBER—*Concluded.*			
Quebec Office—Concluded.			
Specification Clerks—1 at $1,000, 1 at $700, 4 at $600, and 2 at $500 (8 months)	5,100 00		
Assistant Book-keeper	1,000 00		
Pay of Cullers	45,000 00		
Contingencies	4,000 00		
Montreal Office.			
Deputy Supervisor	800 00		
Book-keeper and Specification Clerk	1,000 00		
Pay of Cullers	2,500 00		
Contingencies	300 00		
Sorel.			
Deputy Supervisor	200 00		
		66,900 00	
WEIGHTS AND MEASURES AND GAS.			
Salaries of Inspectors and Assistant Inspectors of Weights and Measures	40,800 00		
Salaries of Inspectors of Gas	8,000 00		
Rent, fuel, travelling expenses, postage, stationery, &c.	23,500 00		
		72,300 00	
INSPECTION OF STAPLES.			
For the purchase and distribution of standards of flour, &c., and other expenditure under the Act		3,000 00	
ADULTERATION OF FOOD.			
To meet expenses under the Act		10,000 00	
MINOR REVENUES.			
Department of Inland Revenue	8,000 00		
do the Interior	2,000 00		
		10,000 00	
RAILWAYS.			
Under Traffic.			
Maintenance and Repairs:—			
Intercolonial Railway	1,400,000 00		
Prince Edward Island Railway	186,000 00		
Carried forward	1,586,000 00	1,126,515 00	17,939,830 16

SCHEDULE B.—*Concluded.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward.....	1,586,000 00	1,126,515 00	17,939,830 16
COLLECTION OF REVENUES—*Concluded.*			
RAILWAYS—*Concluded.*			
Under Traffic—Concluded.			
Maintenance and Repairs :—			
Canadian Pacific Railway.....	200,000 00		
Intercolonial Railway—Windsor Branch, maintenance	20,000 00		
Amount of verdict and costs in case King *vs.* Brydges	612 00		
		1,806,612 00	
CANALS.			
Maintenance and Repairs;—			
Repairs and working expenses	331,820 00		
Salaries and contingencies of canal officers	32,620 00		
Welland Canal—Amount required for repairs at Port Maitland	25,000 00		
		389,440 00	
PUBLIC WORKS.			
Maintenance and Repairs :—			
Collection of slide and boom dues.....	20,745 00		
Repairs and working expenses, harbors and slides.....	74,900 00		
Telegraph lines between Prince Edward Island and the mainland.....	2,000 00		
Telegraph lines, British Columbia *vid* Nanaimo and Point Grey	21,300 00		
Agent and contingencies, British Columbia..	4,000 00		
		122,945 00	
POST OFFICE.			
For Ontario	842,000 00		
Quebec	486,500 00		
New Brunswick.....	168,500 00		
Nova Scotia.....	196,000 00		
Prince Edward Island	49,000 00		
British Columbia	64,000 00		
North West Territory	22,000 00		
Manitoba.....	24,000 00		
		1,852,000 00	
DOMINION LANDS.			
Outside service, land agencies in Manitoba and North-West Territories, and timber agencies, 9 officers in all; their salaries, contingent expenses and inspection.....	32,000 00		
Extra clerks at head office, Ottawa, maps and other printing and advertising expenses and other similar charges	14,600 00		
Outside service, British Columbia, staff, contingent expenses, inspection, &c	10,645 00		
Manitoba—Amount required for pay of land guides, &c....	6,621 60		
		63,866 60	
			5,361,378 60
Total.....			23,301,208 76

No. 126.

2nd Session, 4th Parliament, 43 Victoria, 1880.

LL.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1880, and the 30th June, 1881, and for other purposes relating to the public service.

Received and read, first time, day, th May, 1880.

Second reading, day, th May, 1880.

Hon. Sir LEONARD TILLEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1880.