Canada. Laws, Statutes, etc.

3350

Senate Bills.

A. (Bill A)—*Graham's* Relief Bill—(Honorable Mr. *Kaulbach.*)

B. ~~*Reading*~~ (Bill B) Building Societies *Ontario* amendment Bill.—(The Honorable Mr. *Allan.*)

C. ~~*ittee of the Whole House on*~~ (Bill C) Temperance Act, 1878' amendment Bill.—(The Honorable Mr. *Macpherson.*)

D. ~~*ittee of the Whole House on*~~ (Bill D) Dominion Lands Act, 1883, amendment Bill.—(The Honorable Mr. *Macpherson.*)

E. ~~*d Reading*~~ (Bill E) Reformatory for Roman Catholic Boys in the County of *Halifax, Nova Scotia.*—(The Honorable Mr. *Power.*)

F. ~~*d Reading*~~ (Bill F) Speedy Trial Act extension to *Manitoba* amendment Bill.—(The Honorable Sir *Alexander Campbell.*)

G. ~~*d Reading*~~ (Bill G) Extending to *British Columbia* certain Criminal Laws amendment Bill.—(The Honorable Sir *Alexander Campbell.*)

H. ~~*d Reading*~~ (Bill H) Public Works of *Canada* further amendment Bill.—(The Honorable Sir *Alexander Campbell.*)

I. *ttee of the Whole House on* (Bill I) on Duties of Justices of the Peace out of Sessions Bill.—(The Honorable Sir *Alexander Campbell.*)

J. *Reading* (Bill J) Insolvent Banks Trading Company Bill.—(The Honorable Sir *Alexandor Campbell.*)

K. An Act respecting the Territory in dispute between the Dominion of Canada and the Province of Ontario.

L. *tee of the Whole House on* (Bill L) *North-West* Territories Act, 1880, amendment Bill.—(The Honorable Mr. *Macpherson.*)

M. *tee of the Whole House on* (Bill M) Transfer of Prisoners from one Gaol to another Bill.—(The Honorable Sir *Alexander Campbell.*)

N. *Reading* (Bill N) *Manitoba* Lands Claims Settlement amendment Bill.—(The Honorable Mr. *Macpherson.*)

An Act for the relief of John Graham.

WHEREAS John Graham, of the City of Ottawa, in the County of Carleton and Province of Ontario, in the Dominion of Canada, innkeeper, hath by his petition humbly set forth, that on the fourth day of October, in the year of Our Lord one thousand eight hundred and fifty-nine he was lawfully married to Sarah Ann Graham; that they lived and cohabited together as husband and wife up to about the fifth day of May, in the year of Our Lord one thousand eight hundred and eighty-two, when the said Sarah Ann Graham left the house of the said John Graham and went to the United States of America, and there lived in a state of adultery with a certain person named in the evidence, and when the said John Graham discovered that she had been leading an irregular life and that she had, within a year next preceding that date, been committing adultery with the said person so named in the evidence as aforesaid; that the said Sarah Ann Graham has ever since continued to live apart from the said John Graham; and that the said Sarah Ann Graham, has, by her conduct, dissolved the bond of matrimony on her part; and whereas the said John Graham has humbly prayed that the said marriage may be dissolved so as to enable him to marry again, and that such further relief may be afforded him as may be deemed fit.

And whereas the said John Graham has proved the allegations of his said petition and has established the adultery above mentioned, and it is expedient that the prayer of the said petition should be granted:

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

1. The said marriage between the said John Graham and Sarah Ann Graham, his said wife, is hereby dissolved, and is and shall be henceforth null and void, to all intents and purposes whatsoever.

2. The said John Graham may at any time hereafter marry any woman whom he might lawfully marry in case the said marriage with Sarah Ann Graham had not been solemnized.

3. In case of the said John Graham hereafter marrying any woman whom it would have been lawful for him to marry if the said John Graham and Sarah Ann Graham had not intermarried, and of there being any issue born to him

of such subsequent marriage, the said issue so born shall be and are hereby declared to be to all intents and purposes legitimate, and the rights of them the said issue and each of them and of their respective heirs as respects their and each of their capacity to inherit, have, hold and enjoy, and transmit all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been to all intents and purposes whatsoever, if the marriage between the said John Graham and Sarah Ann Graham had not taken place.

BILL.

An Act to amend the Acts Fortieth Victoria, chapter Forty-nine and Forty-fifth Victoria, chapter Twenty-four bein Acts relating to Permanent Building Societies and Loan and Savings Gompanies carrying on business in Ontario.

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 fortieth year of the reign of her Majesty, and chaptered forty-nine, is hereby repealed, and the following is substituted therefor :— **40 V., c. 49, sec. 2 repealed.**

"2. The aggregate amount of money deposits in the hands of any such society, together with the amount of its debentures issued and remaining unpaid may be equal to, but shall not at any time exceed double the aggregate amount of the paid up, unimpaired, fixed and permanent capital or shares in such society, not liable to be withdrawn therefrom, together with a further sum which may be equal to, but shall not exceed the amount remaining unpaid upon the subscribed, fixed and permanent capital or shares, upon which not less than twenty per cent. has been paid: Provided, that in no case shall the total liabilities of any such society to the public at any time exceed three times the amount actually paid up in respect of fixed and permanent capital or shares in such society, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such society: Provided further, that in estimating the liabilities either for deposits or debentures of any such society, the amount of cash actually in the hands of such society, or deposited to its credit in any chartered bank, shall be deducted therefrom, and that in estimating the unimpaired, fixed and permanent capital or shares of any such society, the amount of all loans or advances made by it to its shareholders, upon the security of their stock, shall be deducted therefrom: Provided further, that the amount held by any society on deposit shall not at any time exceed the amount of the paid up and unimpaired capital of the society." **New section substituted, as to limitation of money deposits and debentures.**

2. The secretary or treasurer or secretary-treasurer of any such society may be styled manager, and when such officer is also a director he may be styled managing director. **"Manager," "managing director"**

3. It is hereby declared that so much of the first section of the Act passed in the forty-fifth year of Her Majesty's reign, **Certain provisions of 45 Vic., c. 24, explained.**

chaptered twenty-four, and intituled "*An Act to further amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario,*" as requires a vote of not less than two-thirds in value of all the shareholders of the Company given in person or by proxy at any general or special meeting, shall be held to apply only to the increase of the fixed and permanent capital of any Company by the issue of new stock under the special provisions of such Act. 5

2d Session, 5th Parliament, 47 Victoria, 1884.

B.

BILL.

An Act to amend the Acts Fortieth Victoria, Chapter Forty-nine and Forty-fifth Victoria, Chapter twenty-four, being Acts relating to Permanent Building Societies and Loan and Savings Companies, carrying on business in Ontario.

Received and read first time, Tuesday, 26th February, 1884.

Second reading, Monday, 3rd March, 1884.

The Honorable Mr. ALLAN.

OTTAWA:

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1884.

chaptered twenty-four, and intituled "*An Act to further amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario,*" as requires a vote of not less than two-thirds in value of all the shareholders of the Company given in person or by proxy at any general or special meeting, shall be held to apply only to the increase of the fixed and permanent capital of any Company by the issue of new stock under the special provisions of such Act.

An Act to amend the Acts Fortieth Victoria, chapter Forty-nine and Forty-fifth Victoria, chapter Twenty-four, being Acts relating to Permanent Building Societies and Loan and Savings Companies carrying on business in Ontario.

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

1. Section two of the Act passed in the fortieth year of the reign of her Majesty, and chaptered forty-nine, is hereby repealed, and the following is substituted therefor:—

"2. The aggregate amount of money deposits in the hands of any such society, together with the amount of its debentures issued and remaining unpaid may be equal to, but shall not at any time exceed double the aggregate amount of the paid up, unimpaired, fixed and permanent capital or shares in such society, not liable to be withdrawn therefrom, together with a further sum which may be equal to, but shall not exceed the amount remaining unpaid upon the subscribed, fixed and permanent capital or shares, upon which not less than twenty per cent. has been paid: Provided, that in no case shall the total liabilities of any such society to the public at any time exceed three times the amount actually paid up in respect of fixed and permanent capital or shares in such society, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such society: Provided further, that in estimating the liabilities either for deposits or debentures of any such society, the amount of cash actually in the hands of such society, or deposited to its credit in any chartered bank, shall be deducted therefrom, and that in estimating the unimpaired, fixed and permanent capital or shares of any such society, the amount of all loans or advances made by it to its shareholders, upon the security of their stock, shall be deducted therefrom: Provided further, that the amount held by any society on deposit shall not at any time exceed the amount of the paid up and unimpaired capital of the society."

2. The secretary or treasurer or secretary-treasurer of any such society may be styled manager, and when such officer is also a director he may be styled managing director.

3. It is hereby declared that so much of the first section of the Act passed in the forty-fifth year of Her Majesty's reign,

An Act to amend the Acts fortieth Victoria, chapter forty-nine and forty-fifth Victoria, chapter twenty-four being Acts relating to Permanent Building Societies and Loan and Savings Companies carrying on business in Ontario.

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

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

1. Section two of the Act passed in the fortieth year of the reign of her Majesty, and chaptered forty-nine, is hereby repealed, and the following is substituted therefor:—

"2. The aggregate amount of money deposits in the hands of any such society, together with the amount of its debentures issued and remaining unpaid may be equal to, but shall not at any time exceed double the aggregate amount of the paid up, unimpaired, fixed and permanent capital or shares in such society, not liable to be withdrawn therefrom, together with a further sum which may be equal to, but shall not exceed the amount remaining unpaid upon the subscribed, fixed and permanent capital or shares, upon which not less than twenty per cent. has been paid: Provided, that in no case shall the total liabilities of any such society to the public at any time exceed three times the amount actually paid up in respect of fixed and permanent capital or shares in such society, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such society: Provided, that in estimating the paid up unimpaired, fixed and permanent capital or shares of any such society, the amount of all loans or advances made by it to its shareholders, upon the security of their stock, shall be deducted therefrom: Provided further, that the amount held by any society on deposit shall not at any time exceed the amount of the paid up and unimpaired capital of the society."

2. It is hereby declared that so much of the first section of the Act passed in the forty-fifth year of Her Majesty's reign, chaptered twenty-four, and intituled "*An Act to further amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario,*" as requires a vote of not less than two-thirds in value of all the shareholders of the Company given in person or by proxy at any general or special meeting, shall be held

to apply only to the increase of the fixed and permanent capital of any Company by the issue of new stock to which any special privileges or rights are attached different from those possessed by the ordinary shareholders of such Company.

3. Section twenty-two of chapter fifty-three of the Consolidated Statutes for Upper Canada, as amended by section four of the Act thirty-seventh Victoria, chapter fifty, is hereby repealed, and the following substituted therefor :— 5

"**22**. Any such society may purchase mortgages upon real estate, debentures of any Society or Company incorporated under this Act, or any Act incorporated therewith, debentures of municipal corporations, school sections and school corporations, Dominion or Provincial stock or securities, and they may re-sell any such securities as to them shall seem advisable, and for that purpose they may execute such assignments or other instruments as may be necessary for carrying the same into effect; they may also make advances to any person or persons or body corporate, upon any of the above mentioned securities, at such rates of discount or interest as may be agreed upon." 10 15 20

4. The board of directors of any such Society or Company may appoint one of their number to be managing director thereof; and his remuneration may be provided for by a by-law, which, however, shall have no force or effect till after it has been approved by the shareholders. 25

BILL.

An Act to amend "The Canada Temperance Act, 1878.'

WHEREAS it is expedient to amend the Act forty-first Victoria, chapter sixteen, intituled "An Act respecting the Traffic in Intoxicating Liquors," as 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:—

1. Section ninety-six of the Act above cited is hereby amended by adding thereto the following words:— 41 V., c. 16, amended.

"And if in any county or city there are no licenses in force when the petition mentioned in the first part of this Act is adopted, then the second part of this Act shall become and be in force and take effect in such county or city after the expiration of thirty days from the day of the date of an Order in Council to that effect, published in the *Canada Gazette*." Provision for bringing Act into force where there are no licenses in existence.

2. If any Order in Council has been published in the *Canada Gazette* declaring that the second part of "*The Canada Temperance Act*, 1878," shall be in force and take effect in any county or city upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in such county or city will expire; and if, in fact, there were at the date of such publication no such licenses then in force in such county or city; then the second part of "*The Canada Temperance Act*, 1878," shall be deemed to have been in force and taken effect in such county or city at the expiration of thirty days from the date of such Order in Council. Retroactive. provision in similar cases.

3. Nothing herein shall be construed so as to;

(*a*) Affect any existing legal right or remedy in respect of any prosecution heretofore brought under the second part of "*The Canada Temperance Act* 1878;" Savings clause.

(*b*) Authorize the bringing hereafter of any prosecution for any offence committed against the second part of the said Act prior to the passing of this Act;

(*c*) Affect any suit, action, prosecution or proceeding now pending.

2d Session, 5th Parliament, 47 Victoria, 1884.

C

BILL

An Act to amend "The Canada Temperance Act, 1878."

Received and read first time, Wednesday, 12th March, 1884.

Second reading, Friday, 14th March, 1884.

Hon. Mr. MACPHERSON.

OTTAWA:

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1884.

An Act to amend "The Canada Temperance Act, 1878."

WHEREAS it is expedient to amend the Act forty-first Victoria, chapter sixteen, intituled "An Act respecting the Traffic in Intoxicating Liquors," as 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:—

1. Section ninety-six of the Act above cited is hereby amended by adding thereto the following words:—

"And if in any county or city there are no licenses in force when the petition mentioned in the first part of this Act is adopted, then the second part of this Act shall become and be in force and take effect in such county or city after the expiration of thirty days from the day of the date of an Order in Council to that effect, published in the *Canada Gazette*."

2. If any Order in Council has been published in the *Canada Gazette* declaring that the second part of "*The Canada Temperance Act*, 1878," shall be in force and take effect in any county or city upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in such county or city will expire; and if, in fact, there were at the date of such publication no such licenses then in force in such county or city; then the second part of "*The Canada Temperance Act*, 1878," shall be deemed to have been in force and taken effect in such county or city at the expiration of thirty days from the date of such Order in Council.

3. Nothing herein shall be construed so as to;

(*a*) Affect any existing legal right or remedy in respect of any prosecution heretofore brought under the second part of "*The Canada Temperance Act* 1878;"

(*b*) Authorize the bringing hereafter of any prosecution for any offence committed against the second part of the said Act prior to the passing of this Act;

(*c*) Affect any cause of action now existing, or any suit, action, prosecution or proceeding now pending.

acres and broke and prepared for crop not less than fifteen acres additional, making in all not less than twenty-five acres of the said homestead cropped, and fifteen acres additional thereof broken and prepared for crop, within three years of the date of perfecting his homestead entry.

An Act to amend "The Canada Temperance Act, 1878."

WHEREAS it is expedient to amend the Act forty-first Victoria, chapter six, intituled "An Act respecting the Traffic in Intoxicating Liquors," passed in the said year; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section ninety-six of the Act above cited is hereby amended by adding thereto the following words:—

"And if in any county or city there are no licenses in force when the petition mentioned in the first part of this Act is adopted, then the second part of this Act shall become and be in force and take effect in such county or city after the expiration of thirty days from the day of the date of an Order in Council to that effect, published in the Canada Gazette."

2. If any Order in Council has been published in the Canada Gazette declaring that the second part of "The Canada Temperance Act, 1878," shall be in force and take effect in any county or city, then and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors shall be in force in such county or city will expire, and if in force where at the date of such publication no such licenses shall be in force in such county or city; then the second part of "The Canada Temperance Act, 1878," shall come into force and take effect in such county or city at the expiration of thirty days from the date of such Order in Council.

3. Nothing herein shall be construed so as to:

(a) Affect any existing legal right or remedy in respect of any prosecution heretofore brought under the second part of "The Canada Temperance Act 1878."

(b) Affect the bringing hereafter of any prosecution for any offence committed against the second part of the said Act prior to the passing of this Act;

(c) Affect any cause of action now existing, or any suit, action, prosecution or proceeding now pending.

BILL.

An Act to amend "The Dominion Lands Act, 1883."

IN amendment of "*The Dominion Lands Act*, 1883," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Sub-clause five of clause twenty-nine of the said Act is hereby repealed and the following is substituted in lieu thereof:— S. 29 § 5 repealed and new sub-clause substituted.

5. Persons occupying land owned by them may obtain, homestead entry, or homestead and pre-emption entry, as the case may be, for any contiguous lands open for such entry; but the whole extent of land so entered shall not exceed one quarter section as a homestead, or two quarter sections as a homestead and a pre-emption, as the case may be. As to entry by occupants of contiguous lands.

2. The following proviso is added to sub-clause two of clause thirty-three of the said Act:— Sect. 33 amended; new proviso added.

"Provided that a person claiming to be entitled to obtain a patent for a homestead, or for a homestead and pre-emption, as the case may be, under either this or the next preceding sub-clause, shall also be entitled to receive a patent upon proving that he has erected upon his homestead a habitable house and has *bonâ fide* resided therein for not less than three months prior to the date of his application for patent; that for the period between the commencement of such residence and the time within which, by clause thirty-one of this Act, it is provided that a homesteader shall perfect his entry, the applicant has been *bonâ fide* resident with a parent, son, daughter, brother or sister of such applicant, as the case may be, in the township in which or in a township adjacent to that in which his homestead is situated; that within the first year after the date of his homestead entry he broke and prepared for crop not less than ten acres of his homestead quarter section; that within the second year he cropped the said ten acres and broke and prepared for crop not less than fifteen acres additional—making not less than twenty-five acres; and that within the third year after the date of his homestead entry, he cropped the said twenty-five acres and broke and prepared for crop not less than fifteen acres additional, making in all not less than twenty-five acres of the said homestead cropped, and fifteen acres additional thereof broken and prepared for crop, within three years of the date of perfecting his homestead entry.

Other conditions on which a patent may be obtained.

Construction and residence in a house; residence with relations; and cropping and breaking of homestead.

Sect. 33 § 4 repealed, and new sub-clause substituted.

3. Sub-clause four of clause thirty-three of the said Act is repealed, and the following enacted in lieu thereof:—

How proof of compliance with conditions is to be made.

"4. Proof of the residence, erection of a habitable house and cultivation required by the three next preceding sub-clauses shall be made by the claimant by affidavit and shall be corroborated by the evidence on oath of two disinterested witnesses, resident in the vicinity of the land affected by their evidence, and accepted as sufficient by the Commissioner of Dominion Lands or the Land Board. Such affidavit shall be sworn and such testimony given before the Local Agent or some other person named for that purpose by the Minister of the Interior."

Preservation of forest trees and maintenance of rainfall.

4. The Governor in Council may, from time to time, for the preservation of forest trees on the crests and slopes of the Rocky Mountains, and for the proper maintenance throughout the year of the volume of water in the rivers and streams which have their sources in such mountains and traverse the North-West Territories, reserve from sale, lease or license, such portions of the land in the North-West Territories, on, adjacent to, or in the vicinity of the Rocky Mountains, as to him appears expedient so to reserve, and may define the limits or boundaries of such reserves; and may set aside and appropriate such lands for a forest park, or forest parks, as he deems expedient, and may appoint officers for the preservation of such reserves and forest parks.

Forest parks.

Returns to Parliament.

2. Statements showing such reserves and appropriations, with the necessary maps, shall be laid before Parliament within fifteen days after the commencement of the session next after the same have been made.

Penalty for destroying trees.

3. Whoever cuts down, breaks, barks, roots up, removes or destroys, or causes to be cut down, broken, barked, rooted up, removed or destroyed,—any tree, sapling, shrub, underwood or timber, growing in and upon any such reserve or forest park shall, for every such offence, incur a penalty not exceeding dollars, and not less than dollars, to be recovered, with costs of prosecution, in a summary manner, before a Stipendiary Magistrate, Commissioner of Police, or any two Justices of the Peace, under the provisions the Act passed in the thirty-second and thirty-third years of the reign of Her present Majesty, chapter thirty-one, and intituled: "*An Act respecting the duties of Justices of the Peace out of session in relation to summary convictions and orders*," and in default of immediate payment of the said penalty, and of the costs of prosecution, the offender may be imprisoned for any period of time not exceeding months.

Sect. 81 amended. Powers given to Governor in Council as to:

5. Clause eighty-one of the said Act is hereby amended by adding the following sub-clauses thereto:—

Penalties.

h. To impose penalties not exceeding dollars and months imprisonment for contravention of regulations under this Act;

i. To provide that any statement or returns required to be made by such regulations, shall be made by affidavit. **Returns on oath.**

6. This Act shall be read as one with "*The Dominion Lands Act*, 1883." **Construction of this Act.**

2d Session, 5th Parliament, 47 Victoria, 1884.

D.

BILL.

An Act to amend "*The Dominion Lands Act*, 1883."

Received and read first time, Wednesday, 26th March, 1884.

Second reading, Friday, 28th March, 1884.

The Honorable Mr. MACPHERSON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1884.

An Act to amend "The Dominion Lands Act, 1883."

IN amendment of "*The Dominion Lands Act*, 1883," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Sub-clause five of clause twenty-nine of the said Act is hereby repealed and the following is substituted in lieu thereof:— 5

5. Persons occupying land owned by them may obtain, homestead entry, or homestead and pre-emption entry, as the case may be, for any contiguous lands open for such entry; but the whole extent of land so entered shall not exceed 10 one quarter section as a homestead, or two quarter sections as a homestead and a pre-emption, as the case may be.

2. The following sub-clause is added to clause thirty-three of the said Act:—

"6. In addition to the cases hereinbefore mentioned, any 15 person claiming a patent for a homestead, or for a homestead and pre-emption, shall be entitled thereto, upon proving that he has erected upon his homestead a habitable house and has *bonâ fide* resided therein for not less than three months next prior to the date of his application for his patent; that for the 20 period between the time within which, by clause thirty-one of this Act, it is provided that a homesteader shall perfect his entry, and the commencement of his said three months residence upon his homestead, he has been *bonâ fide* resident within a radius of two miles from his homestead quarter-sec- 25 tion; that within the first year after the date of his homestead entry he had broken and prepared for crop not less than ten acres of his homestead quarter section; that within the second year he had cropped the said ten acres and broken and prepared for crop not less than fifteen acres additional—mak- 30 ing not less than twenty-five acres; and that within the third year after the date of his homestead entry, he had cropped the said twenty-five acres and broken and prepared for crop not less than fifteen acres additional, making in all not less than twenty-five acres of the said homestead cropped, and 35 fifteen acres additional thereof broken and prepared for crop, within three years of the date of perfecting his homestead entry; and the residence described in this sub-clause shall be sufficiently fulfilled if the applicant has not been absent from his residence for more than six months in any one year. 40

3. Sub-clause four of clause thirty-three of the said Act is repealed, and the following enacted in lieu thereof:—

3. Such Home shall at all times be open to inspection by any officer appointed by the Governor General in Council to inspect the same, and, when and so long as as any pecuniary aid is received from the City of Halifax, shall be open

Reformatory to be open to inspection.

"4. Proof of the residence, erection of a habitable house and cultivation required by this clause shall be made by the claimant by affidavit and shall be corroborated by the evidence on oath of two disinterested witnesses, resident in the vicinity of the land affected by their evidence, and accepted as sufficient by the Commissioner of Dominion Lands or the Land Board. Such affidavit shall be sworn and such testimony given before the Local Agent or some other person named for that purpose by the Minister of the Interior."

4. The Governor in Council may, from time to time, for the preservation of forest trees on the crests and slopes of the Rocky Mountains, and for the proper maintenance throughout the year of the volume of water in the rivers and streams which have their sources in such mountains and traverse the North-West Territories, reserve from sale, lease or license, such portions of the land in the North-West Territories, on, adjacent to, or in the vicinity of the Rocky Mountains, as to him appears expedient so to reserve, and may define the limits or boundaries of such reserves; and may set aside and appropriate such lands for a forest park, or forest parks, as he deems expedient, and may appoint officers for the preservation of such reserves and forest parks.

2. Statements showing such reserves and appropriations, with the necessary maps, shall be laid before Parliament within fifteen days after the commencement of the session next after such reserves or appropriations have been made.

3. Whoever wilfully cuts down, breaks, barks, roots up, removes or destroys, or causes to be cut down, broken, barked, rooted up, removed or destroyed,—any tree, sapling, shrub, underwood or timber, growing in and upon any such reserve or forest park shall, for every such offence, incur a penalty not exceeding one hundred dollars, and not less than ten dollars, to be recovered, with costs of prosecution, in a summary manner, before a Stipendiary Magistrate, Commissioner of Police, or any two Justices of the Peace, under the provisions of the Act passed in the thirty-second and thirty-third years of the reign of Her present Majesty, chaptered thirty-one, and intituled: "*An Act respecting the duties of Justices of the Peace out of session in relation to summary convictions and orders*," and in default of immediate payment of the said penalty, and of the costs of prosecution, the offender may be imprisoned for any period of time not exceeding three months.

5. Clause eighty-one of the said Act is hereby amended by adding the following sub-clauses thereto:—

h. To impose penalties not exceeding two hundred dollars or not exceeding three months imprisonment for contravention of regulations under this Act;

i. To provide that any statement or returns required to be made by such regulations, shall be verified on oath.

6. This Act shall be read as one with "*The Dominion Lands Act*, 1883."

See Re-print amended

BILL.

An Act respecting the Reformatory for Roman Catholic boys in the County of Halifax, in the Province of Nova Scotia.

WHEREAS there is at present a reformatory for Protestant Boys in the City of Halifax, in the County of Halifax and Province of Nova Scotia, known as "The Halifax Industrial School" to which, under the provisions of the Act passed in the thirty-third year of Her Majesty's reign, chaptered thirty-two, the police court or stipendiary magistrate of such city is empowered to sentence Protestant boys; and whereas it is proposed to establish in such County of Halifax a reformatory, orphanage, industrial school or home for Roman Catholic boys, and it is desirable to empower such police court or stipendiary magistrate to sentence Roman Catholic boys to imprisonment in such Roman Catholic institution, hereinafter called the Home: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. So soon as a proclamation has been issued by the Lieutenant-Governor of Nova Scotia, declaring that such Home has been established and made ready for the confinement of prisoners, then when any boy, being a Roman Catholic and apparently under the age of sixteen years, is convicted, before the police court of such City of Halifax, or before the stipendiary magistrate for such city, of any offence for which by law he is liable to imprisonment, with or without hard labor, such police court or stipendiary magistrate may sentence such boy to be detained in such Home whether situate in such city or elsewhere in such county, for any term not exceeding five years, as to such police court or stipendiary magistrate appears proper. Roman Catholic boys under sixteen years of age may be sentenced to detention in the Roman Catholic Reformatory to be established in the county of Halifax.

2. The governing body or head of such Home may at any time notify the mayor of such City of Halifax that no prisoners beyond those already under sentence in such Home will be received therein, and after the receipt of such notice by such mayor no such sentence shall be pronounced until a notice has been received by the mayor from such governing body or head that prisoners will be received therein. How number of such prisoners may be limited by the governing body.

3. Such Home shall at all times be open to inspection by any officer appointed by the Governor General in Council to inspect the same, and, when and so long as as any pecuniary aid is received from the City of Halifax, shall be open Reformatory to be open to inspection.

to inspection by the mayor, aldermen and stipendiary magistrate of such city, or any of them.

Boys to be educated and taught trades.

4. The governing body of such Home shall be bound to teach and instruct each boy so sentenced and detained as aforesaid in reading and writing, and in arithmetic, to the end of simple proportion, and also to teach each such boy such one of the trades or occupations which are, from time to time, taught in such Home, as such governing body deem most adapted to his capabilities.

Offenders wilfully contravening rules of Reformatory may be sent to jail at hard labor.

5. If any offender detained in such Home wilfully neglects or refuses to conform to the rules thereof, he may, upon conviction of such wilful neglect or such refusal before the police court or stipendiary magistrate aforesaid, be imprisoned in the city prison of the City of Halifax with hard labor for any term not exceeding three months; and, at the expiration of such last mentioned term of imprisonment, he shall be brought back to the Home, there to be detained during a period equal to so much of his period of detention in such Home as remained unexpired at the time of his being sent to the city prison.

Arrest and punishment of prisoners escaping from Reformatory.

6. In case any boy so sentenced and detained as aforesaid escapes from the Home, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and brought before such police court or stipendiary magistrate, and on proof of his identity, such police court or stipendiary magistrate shall, if it is the first time he has so escaped, remand him to such Home, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to such police court or stipendiary magistrate seems proper; and if it is the second time he has so escaped, commit him to the city prison aforesaid, there to remain until the expiration of the period for which he was remanded to the Home, after his first escape, with such additional term not exceeding three months, as to such court or magistrate appears proper.

Jurisdiction of Police Court and Stipendiary Magistrate of Halifax.

7. For all the purposes of this Act, the jurisdiction of the police court and of the stipendiary magistrate of Halifax and of the policemen and other officers of such court, or magistrate, shall extend to any boy so convicted and sentenced as aforesaid, even though he may be in any place in the County of Halifax, beyond the limits of the City of Halifax aforesaid.

2d Session, 5th Parliament, 47

E

BILL

An Act respecting the Ro
Roman Catholic boys in
Halifax, in the Province

Received and read first time,
March, 1884.

Second reading, Monday, 31st

Honorable

OTTAWA:
PRINTED BY MACLEAN, 1
1884.

BILL.

An Act respecting a Reformatory for certain Juvenile Offenders in the County of Halifax, in the Province of Nova Scotia.

(Reprinted as amended in Committee of the Whole.)

WHEREAS there is at present a reformatory in the City of Halifax, in the County of Halifax and Province of Nova Scotia, known as "The Halifax Industrial School" to which, under the provisions of the Act passed in the thirty-third year of Her Majesty's reign, chaptered thirty-two, the police court or stipendiary magistrate of such city is empowered to sentence any boy who, being a Protestant and apparently under the age of sixteen years, is convicted before such court or magistrate of an offence for which he is liable to imprisonment; and whereas it is proposed to establish in such County of Halifax a reformatory, orphanage, industrial school or home for boys of the Roman Catholic faith, and it is desirable to empower such court or magistrate to sentence to imprisonment in such Roman Catholic institution, hereinafter called the Home, any boy who, being a Roman Catholic and apparently under the age of sixteen years, is convicted before such court or magistrate of any such offence as aforesaid: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. So soon as a proclamation has been issued by the Lieutenant-Governor of Nova Scotia, declaring that such Home has been established and made ready for the confinement of prisoners, then when any boy, being a Roman Catholic and apparently under the age of sixteen years, is convicted, before the police court of such City of Halifax, or before the stipendiary magistrate for such city, of any offence for which by law he is liable to imprisonment, with or without hard labor, such police court or stipendiary magistrate may sentence such boy to be detained in such Home whether situate in such city or elsewhere in such county, for any term not exceeding five years, as to such police court or stipendiary magistrate appears proper. Roman Catholic boys under sixteen years of age may be sentenced to detention in the Roman Catholic Reformatory to be established in the county of Halifax.

2. The governing body or head of such Home may at any time notify the mayor of such City of Halifax that no prisoners beyond those already under sentence in such Home will be received therein, and after the receipt of such notice by such mayor no such sentence shall be pronounced until a notice has been received by the mayor from such governing body or head that prisoners will be received in such Home. How number of such prisoners may be limited by the governing body.

3. Such Home shall at all times be open to inspection by any officer appointed by the Governor General in Council Reformatory to be open to inspection.

to inspect the same, and, when and so long as as any pecuniary aid is received from the City of Halifax, shall be open to inspection by the mayor, aldermen and stipendiary magistrate of such city, or any of them.

Boys to be educated and taught trades.

4. The governing body of such Home shall be bound to teach and instruct each boy so sentenced and detained as aforesaid in reading and writing, and in arithmetic, to the end of simple proportion, and also to teach each such boy such one of the trades or occupations which are, from time to time, taught in such Home, as such governing body deem most adapted to his capabilities.

Incorrigible boys may be sent to penitentiary.

5. If any offender detained in such Home becomes incorrigible he may, on a certificate from the officer in charge of such Home, be removed to a Penitentiary, as provided in section forty-seven of "*The Penitentiary Act*, 1883"

Arrest and punishment of prisoners escaping from Reformatory.

6. In case any boy so sentenced and detained as aforesaid escapes from the Home, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and brought before such police court or stipendiary magistrate, and on proof of his identity, such police court or stipendiary magistrate shall remand him to such Home, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to such police court or stipendiary magistrate seems proper.

Jurisdiction of Police Court and Stipendiary Magistrate of Halifax.

7. For all the purposes of this Act, the jurisdiction of the police court and of the stipendiary magistrate of Halifax and of the policemen and other officers of such court, or magistrate, shall extend to any boy so convicted and sentenced as aforesaid, even though he may be in any place in the County of Halifax, beyond the limits of the City of Halifax aforesaid

2d Session, 5th Parliament, 4

E

BILL

An Act respecting a Refor
tain Juvenile Offenders
of Halifax, in the Prov
Scotia.

(*Reprinted as amended in Co
Whole.*)

Honorable

OTTAWA:

PRINTED BY MACLEAN, R

1884

An Act respecting a Reformatory for certain Juvenile Offenders in the County of Halifax, in the Province of Nova Scotia.

WHEREAS there is at present a reformatory in the City of Halifax, in the County of Halifax and Province of Nova Scotia, known as "The Halifax Industrial School" to which, under the provisions of the Act passed in the thirty-third year of Her Majesty's reign, chaptered thirty-two, the police court or stipendiary magistrate of such city is empowered to sentence any boy who, being a Protestant and apparently under the age of sixteen years, is convicted before such court or magistrate of an offence for which he is liable to imprisonment; and whereas it is proposed to establish in such County of Halifax a reformatory, orphanage, industrial school or home for boys of the Roman Catholic faith, and it is desirable to empower such court or magistrate to sentence to imprisonment in such Roman Catholic institution, hereinafter called the Home, any boy who, being a Roman Catholic and apparently under the age of sixteen years, is convicted before such court or magistrate of any such offence as aforesaid: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. So soon as a proclamation has been issued by the Lieutenant-Governor of Nova Scotia, declaring that such Home has been established and made ready for the confinement of prisoners, then when any boy, being a Roman Catholic and apparently under the age of sixteen years, is convicted, before the police court of such City of Halifax, or before the stipendiary magistrate for such city, of any offence for which by law he is liable to imprisonment, with or without hard labor, such police court or stipendiary magistrate may sentence such boy to be detained in such Home whether situate in such city or elsewhere in such county, for any term not exceeding five years, as to such police court or stipendiary magistrate appears proper.

2. The governing body or head of such Home may at any time notify the mayor of such City of Halifax that no prisoners beyond those already under sentence in such Home will be received therein; and after the receipt of such notice by such mayor no such sentence shall be pronounced until a notice has been received by the mayor from such governing body or head that prisoners will be received in such Home.

3. Such Home shall at all times be open to inspection by any officer appointed by the Governor General in Council

to inspect the same, and, when and so long as as any pecuniary aid is received from the City of Halifax, shall be open to inspection by the mayor, aldermen and stipendiary magistrate of such city, or any of them.

4. The governing body of such Home shall be bound to teach and instruct each boy so sentenced and detained as aforesaid in reading and writing, and in arithmetic, to the end of simple proportion, and also to teach each such boy such one of the trades or occupations which are, from time to time, taught in such Home, as such governing body deem most adapted to his capabilities.

5. If any offender detained in such Home becomes incorrigible he may, on a certificate from the officer in charge of such Home, be removed to a Penitentiary, as provided in section forty-seven of "*The Penitentiary Act*, 1883."

6. In case any boy so sentenced and detained as aforesaid escapes from the Home, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and brought before such police court or stipendiary magistrate, and on proof of his identity, such police court or stipendiary magistrate shall remand him to such Home, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to such police court or stipendiary magistrate seems proper.

7. For all the purposes of this Act, the jurisdiction of the police court and of the stipendiary magistrate of Halifax and of the policemen and other officers of such court, or magistrate, shall extend to any boy so convicted and sentenced as aforesaid, even though he may be in any place in the County of Halifax, beyond the limits of the City of Halifax aforesaid

BILL.

An Act to amend the Act thirty-eighth Victoria, chapter fifty-four, intituled "An Act to extend to the Province of Manitoba the 'Act for the more speedy trial, in certain cases, of persons charged with felonies and and misdemeanors, in the Provinces of Ontario and Quebec'."

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

1. Section two of the Act thirty-eighth Victoria, chapter fifty-four, intituled "*An Act to extend to the Province of Manitoba the 'Act for the more speedy trial, in certain cases, of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec'*," is repealed, and the following section is enacted in lieu thereof:— 38 Vic., c. 54, s. 2 repealed and new section substituted.

"2. As respects the Province of Manitoba, the expression "a Court of General Sessions of the Peace" in the said Act shall mean and include the Court of Queen's Bench of that Province, and the County Court Judges' Criminal Courts, and the expression "the judge" shall mean the Chief Justice, or a Puisne Judge of the said Court of Queen's Bench or a County Court Judge, and the expression "County Attorney or Clerk of the Peace" shall mean also any Deputy Clerk of the Peace, Crown Attorney or the Prothonotary of the said Court of Queen's Bench or a Deputy Prothonotary thereof. Interpretation of certain terms in applying the Act to Manitoba.

2d Session, 5th Parliament, 47 Victoria, 1884.

F.

BILL.

An Act to amend the Act thirty-eighth Victoria, chapter fifty-four, intituled "*An Act to extend to the Province of Manitoba the 'Act for the more speedy trial, in certain cases, of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec'.*"

Received and read first time, Friday, 28th March, 1884.

Second reading, Tuesday, 1st April, 1884.

The Honorable
SIR ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

An Act to amend the Act thirty-eighth Victoria, chapter fifty-four, intituled "An Act to extend to the Province of Manitoba the 'Act for the more speedy trial, in certain cases, of persons charged with felonies and and misdemeanors, in the Provinces of Ontario and Quebec'."

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

1. Section two of the Act thirty-eighth Victoria, chapter fifty-four, intituled "*An Act to extend to the Province of Manitoba the 'Act for the more speedy trial, in certain cases, of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec'*," is repealed, and the following section is enacted in lieu thereof:—

"**2.** As respects the Province of Manitoba, the expression "a Court of General Sessions of the Peace" in the said Act shall mean and include the Court of Queen's Bench of that Province, and the County Court Judges' Criminal Courts, and the expression "the judge" shall mean the Chief Justice, or a Puisne Judge of the said Court of Queen's Bench or a County Court Judge, and the expression "County Attorney or Clerk of the Peace" shall mean also any Deputy Clerk of the Peace, Crown Attorney or the Prothonotary of the said Court of Queen's Bench or a Deputy Prothonotary thereof.

BILL.

An Act to amend the Act thirty-seventh Victoria, chapter forty-two, intituled: "An Act to extend to the Province of British Columbia certain of the Criminal Laws now in force in other Provinces of the Dominion."

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

1. In applying to British Columbia the Act passed in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-two, and intituled: "*An Act respecting the prompt and summary administration of Criminal Justice in certain cases,*" the expression "competent magistrate" shall be construed as meaning any two justices of the peace sitting together, and shall also mean and include any functionary or tribunal having the powers of two justices of the peace, and the jurisdiction shall be absolute without the consent of the parties charged. 32-33 Vict., c 32. Interpretation as respects British Columbia, of "competent magistrate."

2. In applying to British Columbia the Act passed in the thirty-second and thirty-third years of Her Majesty's Reign, chaptered thirty-three, and intituled: "*An Act respecting the trial and punishment of juvenile offenders,*" the expression "any two or more justices" shall be construed as including any magistrate having the powers of two justices of the peace: the said Act shall not apply to any offence punishable by imprisonment for two years and upwards and it shall not be necessary that the recognizance be transmitted to any clerk of the peace. 32-33 Vict., c. 33. Interpretation as respects British Columbia, of "any two or more justices."

2d Session, 5th Parliament, 47 Victoria, 1884.

G

BILL

An Act to amend the Act thirty-seventh Victoria, chapter forty-two, intituled "*An Act to extend to the Province of British Columbia certain of the Criminal Laws now in force in other Provinces of the Dominion.*"

Received and read first time, Friday, 28th March, 1884.

Second reading, Tuesday, 1st April, 1884.

The Honourable
SIR ALEXANDER CAMPBELL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1884

An Act to amend the Act thirty-seventh Victoria, chapter forty-two, intituled : " An Act to extend to the Province of British Columbia certain of the Criminal Laws now in force in other Provinces of the Dominion."

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

1. In applying to British Columbia the Act passed in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-two, and intituled : " *An Act respecting the prompt and summary administration of Criminal Justice in certain cases*," the expression "competent magistrate" shall be construed as meaning any two justices of the peace sitting together, and shall also mean and include any functionary or tribunal having the powers of two justices of the peace, and the jurisdiction shall be absolute without the consent of the parties charged.

2. In applying to British Columbia the Act passed in the thirty-second and thirty-third years of Her Majesty's Reign, chaptered thirty-three, and intituled : "*An Act respecting the trial and punishment of juvenile offenders*," the expression " any two or more justices " shall be construed as including any magistrate having the powers of two justices of the peace : the said Act shall not apply to any offence punishable by imprisonment for two years and upwards and it shall not be necessary that the recognizance be transmitted to any clerk of the peace.

BILL.

An Act further to amend the Act thirty first Victoria, chapter twelve intituled "An Act respecting the Public Works 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 thirteenth section of the Act passed in the thirty-first year of Her Majesty's reign, chaptered twelve and intituled "*An Act respecting the Public Works of Canada*" is hereby repealed and the following section is enacted in lieu thereof:— 31 Vic, c. 12, s. 13 repealed and new section substituted.

"**13.** All lands, streams, water-courses and property "acquired for the use of Public Works or Buildings shall "be vested in Her Majesty, and when not required for the "said works or buildings may be sold or disposed of under "the authority of the Governor, and all hydraulic powers "created by the construction of any public work, or the "expenditure of public money thereon, shall be vested in "Her Majesty, and any portion thereof not required for the "public works may be sold or leased under the authority "aforesaid and any portion of the shore or bed of any public "harbour vested in Her Majesty, as represented by the "Government of Canada, not required for public purposes "may, on the joint recommendation of the Ministers of "Public Works and of Marine and Fisheries, be sold or "leased under the authority aforesaid; and the proceeds "of all such sales and leases shall be accounted for as public "money." Lands, &c., acquired for public works, how vested and managed. Shores and beds of public harbours may be sold or leased, and how.

2d Session, 5th Parliament, 47 Victoria, 1884.

H

BILL.

An Act to amend the Act thirty-first Victoria chapter twelve intituled "*An Act respecting the Public Works of Canada.*"

Received and read a first time, Friday, 28th March 1884.

Second reading, Tuesday, 1st April 1884.

The Honorable
SIR ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1884

An Act further to amend the Act thirty first Victoria, chapter twelve intituled "An Act respecting the Public Works of Canada.

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

1. The thirteenth section of the Act passed in the thirty-first year of Her Majesty's reign, chaptered twelve and intituled "*An Act respecting the Public Works of Canada*" is hereby repealed and the following section is enacted in lieu thereof:—

"**13.** All lands, streams, water-courses and property "acquired for the use of Public Works or Buildings shall "be vested in Her Majesty, and when not required for the said "works or buildings may be sold or disposed of under the au-"thority of the Governor in Council, and all hydraulic "powers created by the construction of any public work, or "the expenditure of public money thereon, shall be vested in "Her Majesty, and any portion thereof not required for the "public works may be sold or leased under the authority "aforesaid and any portion of the shore or bed of any public "harbour vested in Her Majesty, as represented by the "Government of Canada, not required for public purposes "may, on the joint recommendation of the Ministers of "Public Works and of Marine and Fisheries, be sold or "leased under the authority aforesaid; and the proceeds "of all such sales and leases shall be accounted for as public "money."

An Act further to amend the Act thirty first Victoria, chapter twelve, intituled "An Act respecting the Public Works of Canada."

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

1. The thirteenth section of the Act passed in the thirty-first year of Her Majesty's reign, chapter twelve and intituled "An Act respecting the Public Works of Canada" is hereby repealed and the following section is enacted in lieu thereof:—

"13. All lands, streams, waterpowers and property "acquired for the use of Public Works or Buildings shall "be vested in Her Majesty, and when not required for the said "works or buildings may be sold or disposed of under the au-"thority of the Governor in Council, and all hydraulic "powers created by the construction of any public work, or "the expenditure of public money thereon, shall be vested in "Her Majesty, and any portion thereof not required for the "public works may be sold or leased under the authority "aforesaid and any portion of the shore or bed of any public "harbour vested in Her Majesty, as represented by the "Government of Canada, not required for public purposes "may, on the joint recommendation of the Ministers of "Public Works and of Marine and Fisheries, be sold or "leased under the authority aforesaid; and the proceeds "of all such sales and leases shall be accounted for as public "money."

BILL.

An Act to further amend "An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders."

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

1. Section sixty-five of chapter thirty-one 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 the duties of Justices of the Peace in relation to summary convictions and orders*," as amended by the Acts thirty-third Victoria, chapter twenty-seven, and fortieth Victoria, chapter twenty-seven, is hereby further amended by adding the following sub-section thereto :— 32-33 Vict., c. 31, s. 65 further amended.

"4. In all cases of appeal provided for by this Act, all appeals from the decision of the stipendiary magistrate or of any justice or justices of the peace for the districts of Muskoka and Parry Sound, in the Province of Ontario, shall lie to and may be brought before and heard and determined by the Court of General Sessions of the Peace for the county of Simcoe in the said Province ; all appeals from the decision of the stipendiary magistrate or of any justice or justices of the peace for the provisional county of Haliburton inthe said Province, shall lie to and may be brought before and heard and determined by the Court of General Sessions of the Peace for the county of Victoria, in the said Province ; all appeals from the decision of the stipendiary magistrate or of any justice or justices of the peace for the district of Thunder Bay, in the said Province, shall lie to and may be brought before and heard and determined by the Court of General Sessions of the Peace for the district of Algoma, in the said Province ; and all appeals from the decision of the stipendiary magistrate or of any justice or justices of the peace for the district of Nipissing, in the said Province, shall lie to and may be brought before and heard and determined by the Court of General Sessions of the Peace for the county of Renfrew." New sub-section added. To what courts appeals from justices lie, in certain districts.

2. Section seventy-six of the said Act, as amended by the Act thirty-third Victoria, chapter twenty-seven, is hereby further amended by adding thereto the following as sub-section two :— 32-33 Vict., c. 31, s. 76 further amended.

"2. All returns under this section of convictions had in the districts of Muskoka and Parry Sound, in the Province of Ontario, shall be made to the Clerk of the Peace for the To whom returns of convictions in such districts

are to be made.

county of Simcoe, in the said Province; all returns of convictions had in the provisional county of Haliburton, in the said Province, to the Clerk of the Peace for the county of Victoria, in the said Province; all returns of convictions had in the district of Thunder Bay, in the said Province, to the Clerk of the Peace for the district of Algoma, in the said Province; and all returns of convictions had in the district of Nipissing in the said Province, to the Clerk of the Peace for the county of Renfrew, in the said Province." 5

Act not retrospective.

3. This Act shall not apply to any appeal in respect of a conviction had before the passing thereof. 10

2d Session, 5th Parliament, 47 Victoria, 1884.

I

BILL

An Act to further amend "An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders."

Received and read first time, Tuesday, 1st April, 1884.

Second reading, Thursday, 3rd April, 1884.

The Honourable
SIR ALEXANDER CAMPBELL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1884.

An Act to further amend "An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders."

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

1. Section sixty-five of chapter thirty-one 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 the duties of Justices of the Peace in relation to summary convictions and orders*," as amended by the Acts thirty-third Victoria, chapter twenty-seven, and fortieth Victoria, chapter twenty-seven, is hereby further amended by adding the following sub-section thereto :—

"4. In all cases of appeal provided for by this Act, all appeals from the decision of the stipendiary magistrate or of any justice or justices of the peace for the districts of Muskoka and Parry Sound, in the Province of Ontario, shall lie to and may be brought before and heard and determined by the Court of General Sessions of the Peace for the county of Simcoe in the said Province; all appeals from the decision of the stipendiary magistrate or of any justice or justices of the peace for the provisional county of Haliburton inthe said Province, shall lie to and may be brought before and heard and determined by the Court of General Sessions of the Peace for the county of Victoria, in the said Province; all appeals from the decision of the stipendiary magistrate or of any justice or justices of the peace for the district of Thunder Bay, in the said Province, shall lie to and may be brought before and heard and determined by the Court of General Sessions of the Peace for the district of Algoma, in the said Province; and all appeals from the decision of the stipendiary magistrate or of any justice or justices of the peace for the district of Nipissing, in the said Province, shall lie to and may be brought before and heard and determined by the Court of General Sessions of the Peace for the county of Renfrew."

2. Section seventy-six of the said Act, as amended by the Act thirty-third Victoria, chapter twenty-seven, is hereby further amended by adding thereto the following as sub-section two :—

"2. All returns under this section of convictions had in the districts of Muskoka and Parry Sound, in the Province of Ontario, shall be made to the Clerk of the Peace for the county of Simcoe, in the said Province; all returns of con-

victions had in the provisional county of Haliburton, in the said Province, to the Clerk of the Peace for the county of Victoria, in the said Province; all returns of convictions had in the district of Thunder Bay, in the said Province, to the Clerk of the Peace for the district of Algoma, in the said Province; and all returns of convictions had in the district of Nipissing in the said Province, to the Clerk of the Peace for the county of Renfrew, in the said Province."

3. This Act shall not apply to any appeal in respect of a conviction had before the passing thereof.

The Honourable
SIR ALEXANDER CAMPBELL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1884.

BILL.

An Act further to amend the Act forty-fifth Victoria, chapter twenty-three, intituled: "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations."

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

1. The first section of the Act passed in the forty-fifth year of Her Majesty's reign, chaptered twenty-three, and intituled: "*An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations,*" is hereby repealed and the following section is enacted in lieu thereof:— 45 Vict., c. 23, s. 1 repealed, and new section substituted.

"1. This Act applies to incorporated banks (including savings banks) incorporated insurance companies, loan companies having borrowing powers, building societies having a capital stock, and incorporated trading companies, which are insolvent or in process of being wound up, and on petition, as in this Act set forth, by their shareholders or creditors, assignees or liquidators, ask to be brought within and under the provisions of this Act. Application of Act.

"(*a.*) This Act does not apply to railway or telegraph companies or to building societies that have not a capital stock." As to railways, &c.

2. When at the date of the passing of the said Act a company was in liquidation or in process of being wound up, any shareholder, creditor, assignee, receiver or liquidator of such company, may apply by petition to the court asking that the company be brought within and under the provisions of the said Act, and the court may make such order, and the winding up of such company shall thereafter be carried on under the said Act, and the expression "winding up order" in the said Act, shall include the order in this section mentioned. Application to companies being wound up when Act was passed. Proceedings, &c., in such case.

3. The court, in making such order, may direct that the assignee, receiver or liquidator of such company, if one has been appointed, shall become the liquidator of the company under the said Act or may appoint some other person to be liquidator of the company. Liquidator in cases under preceding section.

4. The twenty-fourth section of the said Act is amended by inserting before the words "the winding up order" in the first line, the words "the court in making." Section 24 amended.

Section 84 amended.

5. The eighty-fourth section of the said Act is amended by inserting the word "receiver" after the word "liquidator" in the third and eleventh lines thereof.

Sections 99, 100, 101, 102 repealed, and new ones substituted.

6. Sections ninety-nine, one hundred, one hundred and one, and one hundred and two of the said Act are hereby repealed, and the following sections are enacted in lieu thereof:— 5

Provision as to winding up order in case of bank.

"**99.** In the case of a bank, the application for a winding up order must be made by a creditor for a sum of not less than one thousand dollars, and the court must, before making the order, direct a meeting of the shareholders of the bank and a meeting of the creditors of the bank to be summoned, held, and conducted as the Court directs, for the purpose of ascertaining their respective wishes as to the appointment of liquidators" 10 15

Chairmen of meetings of shareholders and of creditors.

"**100.** The court may appoint a person to act as chairman of the meeting of shareholders, and in default of such appointment, the president of the bank, or other person who usually presides at a meeting of shareholders, shall preside The court may also appoint a person to act as chairman of the meeting of creditors, and in default of such appointment the creditors shall appoint a chairman." 20

Scale of votes.

"**101.** In taking a vote at such a meeting of shareholders, regard is to be had to the number of votes conferred by law or by the regulations of the bank on each shareholder present or represented at such meeting, and in the case of creditors, regard is to be had to the amount of the debt due to each creditor." 25

Chairman to report result.

How liquidators are to be selected.

"**102.** The chairman of each meeting must report the result thereof to the court, and if a winding up order is made, the court shall appoint three liquidators, to be selected in its discretion, after such hearing of the parties as it may deem expedient, from among the persons nominated by the majorities and minorities of the shareholders and creditors at such meetings respectively." 30 35

2d Session, 5th Parliament, 47 Vic

J

BILL.

An Act further to amend the fifth Victoria, chapter two intituled "*An Act respecting Banks, Insurance Companies, panies, Building Societies an Corporations.*"

Received and read first time, Wed April, 1884.

Second reading, Friday, 4th April

The Honorable
SIR ALEXANDER CA

OTTAWA:
PRINTED BY MACLEAN, ROGE
1884.

An Act further to amend the Act forty-fifth Victoria, chapter twenty-three, intituled: "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations."

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

1. The first section of the Act passed in the forty-fifth year of Her Majesty's reign, chaptered twenty-three, and intituled: "*An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations,*" is hereby repealed and the following section is enacted in lieu thereof:—

"**1.** This Act applies to incorporated banks (including savings banks) incorporated insurance companies, loan companies having borrowing powers, building societies having a capital stock, and incorporated trading companies, which are doing business in Canada, no matter where incorporated, and which are insolvent or in process of being wound up, and on petition, as in this Act set forth, by their shareholders or creditors, assignees or liquidators, ask to be brought within and under the provisions of this Act.

"(*a.*) This Act does not apply to railway or telegraph companies or to building societies that have not a capital stock."

2. When at the date of the passing of the said Act a company was in liquidation or in process of being wound up, any shareholder, creditor, assignee, receiver or liquidator of such company, may apply by petition to the court asking that the company be brought within and under the provisions of the said Act, and the court may make such order, and the winding up of such company shall thereafter be carried on under the said Act, and the expression "winding up order" in the said Act, shall include the order in this section mentioned.

3. The court, in making such order, may direct that the assignee, receiver or liquidator of such company, if one has been appointed, shall become the liquidator of the company under the said Act or may appoint some other person to be liquidator of the company.

4. The twenty-fourth section of the said Act is amended by inserting before the words "the winding up order" in the first line, the words "the court in making."

5. The eighty-fourth section of the said Act is amended by inserting the word "receiver" after the word "liquidator" in the third and eleventh lines thereof.

6. Sections ninety-nine, one hundred, one hundred and one, and one hundred and two of the said Act are hereby repealed, and the following sections are enacted in lieu thereof:—

"99. In the case of a bank, the application for a winding up order must be made by a creditor for a sum of not less than one thousand dollars, and the court must, before making the order, direct a meeting of the shareholders of the bank and a meeting of the creditors of the bank to be summoned, held, and conducted as the Court directs, for the purpose of ascertaining their respective wishes as to the appointment of liquidators"

"100. The court may appoint a person to act as chairman of the meeting of shareholders, and in default of such appointment, the president of the bank, or other person who usually presides at a meeting of shareholders, shall preside The court may also appoint a person to act as chairman of the meeting of creditors, and in default of such appointment the creditors shall appoint a chairman."

"101. In taking a vote at such a meeting of shareholders, regard is to be had to the number of votes conferred by law or by the regulations of the bank on each shareholder present or represented at such meeting, and in the case of creditors, regard is to be had to the amount of the debt due to each creditor."

"102. The chairman of each meeting must report the result thereof to the court, and if a winding up order is made, the court shall appoint three liquidators, to be selected in its discretion, after such hearing of the parties as it may deem expedient, from among the persons nominated by the majorities and minorities of the shareholders and creditors at such meetings respectively."

7. Nothing in this Act contained shall affect any pending suit or action, or any right of action now existing.

BILL.

An Act respecting the Territory in dispute between the Dominion of Canada and the Province of Ontario.

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

1. The Governor General in Council may agree ~~to refer~~ that the questions in dispute between the Governments of Canada and of Ontario in respect of the boundaries of Ontario ~~to the decision of~~ the Judicial Committee of ~~the~~ Privy Council, upon such terms and conditions as he deems proper, and the decision of the said Judicial Committee shall be final and conclusive, so far as the Parliament of Canada has authority so to declare or enact. Provision for referring questions respecting disputed boundaries of Ontario to the Judicial Committee of the Privy Council

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if Her Majesty shall be pleased so to order,

2. Until the boundaries of the said Province have been decided under the said reference, the Courts, Judges, Magistrates, Sheriffs and other officers of the Province of Ontario, and the Courts, Judges, Magistrates, Sheriffs and other officers of the other Province or Territory in which the locality, in which any question as to the boundaries arises, is claimed to be by the Government of Canada, shall, in respect of all matters within the legislative authority of the Parliament of Canada, have the same jurisdiction and authority in such locality as if such locality were within the Province or Territory in which such Courts, Judges, Magistrates, Sheriffs or other officers have undoubted jurisdiction, and were part of the county, district, or bailiwick, over or in which they are entitled to exercise jurisdiction and authority. Provisional Jurisdiction of courts, &c., in respect of matters within jurisdiction of Parliament of Canada.

3. The Act passed in the forty-third year of Her Majesty's reign, chaptered thirty-six and intituled. "*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,*" as amended by the Act passed in the forty-fifth year of Her Majesty's reign, chaptered thirty-one, shall further continue in force as so amended until the end of the now next ensuing Session of Parliament. 43 Vict., c. 36, further continued in force.

2d Session, 5th Parliament, 47 Victoria, 1884.

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BILL.

An Act respecting the Territory in dispute between the Dominion of Canada and the Province of Ontario.

Received and read first time, Thursday, 3rd April 1884.

Second reading, Monday, 7th April 1884.

The Honorable
SIR ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1884.

An Act respecting the Territory in dispute between the Dominion of Canada and the Province of Ontario.

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

1. The Governor General in Council may agree that the questions in dispute between the Governments of Canada and of Ontario in respect of the boundaries of Ontario may form the subject of a reference to the Judicial Committee of The Queen's Privy Council, if Her Majesty should be pleased so to order, upon such terms and conditions as His Excellency deems proper, and the decision of the said Judicial Committee shall be final and conclusive, so far as the Parliament of Canada has authority so to declare or enact.

2. Until the boundaries of the said Province have been decided under the said reference, the Courts, Judges, Magistrates, Sheriffs and other officers of the Province of Ontario, and the Courts, Judges, Magistrates, Sheriffs and other officers of the other Province or Territory in which the locality, in which any question as to the boundaries arises, is claimed to be by the Government of Canada, shall, in respect of all matters within the legislative authority of the Parliament of Canada, have the same jurisdiction and authority in such locality as if such locality were within the Province or Territory in which such Courts, Judges, Magistrates, Sheriffs or other officers have undoubted jurisdiction, and were part of the county, district, or bailiwick, over or in which they are entitled to exercise jurisdiction and authority.

3. The Act passed in the forty-third year of Her Majesty's reign, chaptered thirty-six and intituled. "*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*," as amended by the Act passed in the forty-fifth year of Her Majesty's reign, chaptered thirty-one, shall further continue in force as so amended until the end of the now next ensuing Session of Parliament.

BILL.

An Act to amend "The North-West Territories Act, 1880."

[NOTE.—*The words and clauses in italics are printed to make the measure intelligible They will be stricken out on the Third Reading, and will be offered for acceptance of the House of Commons when the Bill is in Committee in that House*]

WHEREAS it is expedient to amend "*The North West Territories Act*, 1880 :" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

5 **1.** Sections sixty-three and sixty-four of the said Act are hereby repealed and the following sections are enacted in lieu thereof :— 43 V., c. 25, s.s., 63 and 64 repealed, and new sections substituted.

"**63.** The Governor-in-Council may, from time to time, as the settlement of the country and the exigencies of the 10 public service require, constitute any portion of the North-West Territories a registry district for the purposes of registration of deeds and other instruments relating to land situate within the North-West Territories; and may by proclamation from time to time, make any change or alteration 15 in, or subdivision of, such registry districts, and may establish new registry districts and establish and change the position of registry offices, and may appoint registrars, and may do and ordain all other matters and things he deems expedient in or about the premises. Registry districts may be constituted by Governor General in Council, and registrars appointed, &c.

20 "2. From and after the day named in any such proclamation as the day on which any new registry district is established, no further registration shall be made in and for such registry district, except by the registrar appointed thereto. Registration in new districts by whom made.

"3. The Governor in Council may from time to time 25 appoint a registrar of deeds (hereinafter called the registrar) in and for each such registry district, who shall hold office during pleasure only, and shall reside and keep his office at such place as is named for that purpose in his commission or at such other place as is from time to time appointed for 30 that purpose by the Governor in Council. Registrars, their appointment, &c.

"4. The office of the present registrar of deeds in and for the North-West Territories, established under the provisions of section sixty-three of "*The North-West Territories Act*, 1880," is hereby abolished from and after the date fixed by any 35 proclamation as the date on which any new registry districts shall be constituted under this Act, and thereafter he shall be Provisions respecting the present registrar of deeds.

deemed to be a registrar appointed under this substituted section, and shall discharge the duties of registrar of the registry district in which his office is situated at the time of such abolition, but the salary now received by him shall not be decreased during his incumbency.

His salary not to be decreased.

Particulars to be enacted by North-West Council.

" 5. The duties of registrars, the designation of deeds and instruments that may be registered, the mode of registry, the requisites for and the effect of registration, shall be governed by laws made or to be made under " *The North-West Territories Act*, 1880."

Fees, how fixed.

" 6. *The Governor in Council shall fix, from time to time, the fees and charges to be paid for the registration of deeds and instruments.*

Schedule of fees to be posted in each office.

" 7. Every registrar shall keep posted up in some conspicuous place in his office, a schedule of the fees and charges authorized by the Governor in Council.

Salaries.

" 8. *The salaries of registrars shall be fixed by the Governor in Council, and shall be payable out of the Consolidated Revenue Fund of Canada; but no such salary shall exeeed twelve hundred dollars a y ar.*

Provision for replacement of salaries by fees.

" *Whenever the registration fees and charges collected or collectable by any registrar in any two years consecutively amount to more than fifteen hundred dollars a year, as ascertained by the quarterly returns and report of inspector hereinafter mentioned, the salary of such registrar shall cease to be so payable, and thenceforth he may retain to his own use all the fees and emoluments received by him in each year.*

Registrar to record fees received, and to make quarterly returns thereof.

" 9. Every registrar shall keep a separate book, in which he shall enter from day to day all fees and emoluments collected by him by virtue of his office, showing separately the sums received for registering each deed or instrument, and for searches, and for extracts or copies, and for any other matter pertaining to his office and shall make to the Lieutenant-Governor, within fifteen days after the last day of March, June, September and December respectively in each year, a return, under oath, of such fees and emoluments so received during the three months next preceding the date of the said return ;

Fees to be paid yearly into Consolidated Revenue Fund.

" And every registrar shall with his fourth quarterly return to the Lieutenant-Governor for each year, pay over to the Lieutenant-Governor, on account of the Consolidated Revenue Fund of Canada, the fees and emoluments received by him during the year next preceding the date of the said return, so long as he is a salaried officer."

Inspector of registry offices.

"**64**. The Governor in Council may from time to time appoint an inspector of registry offices, whose duty it shall be :—

Appointment and duties.

(*a*) To make a personal inspection of the building in which each office is kept and of the books, deeds, titles and instruments in each registry office ;

(*b*) To see that the proper books are provided, that they are in good order and condition, that the proper entries and registrations are made therein in a proper manner and in a due and proper form and order, that the indices are properly kept and that all instruments are duly endorsed and certified and preserved;

(*c*) To ascertain that the office is kept duly open at and for the proper times, and that it is at all times duly attended to by the registrar or his deputy;

(*d*) To settle on some uniform device for the official seals and to see that the registrars supply themselves therewith;

(*e*) To inspect all abstracts, indices, and other books kept by the registrars;

(*f*) To inform the registrar how and in what manner he shall do any particular act or amend or correct whatever the inspector may find amiss; and in case he finds the work improperly done by any registrar, he shall have power to order a new book or books to be prepared and completed by the registrar at his own expense;

(*g*) To ascertain whether the registrar has received and accounted for all fees and emoluments.

(*h*) To report upon all such matters as expeditiously as may be to the Governor in Council for his information and decision;

"*The salary of the Inspector of Registry Offices shall not exceed twelve hundred dollars a year, and shall be payable out of the Consolidated Revenue Fund of Canada.*" **Salary of inspector of registry offices.**

"**65.** Whenever any portion of the North West Territories s constituted a registry district as aforesaid, and whenever any change or alteration in or sub-division of any such registry district is made, or any new registry district is established, the present registrar of deeds in and for the North-West Territories, or, as the case may, be the registrar of such district as is changed, altered or sub-divided, shall deliver to the registrar of the new district so constituted or established, all books and indices, and all deeds, instruments, maps, plans and documents exclusively relating to lands situate within the limits of the new district so constituted or established." **Provision for transferring records when changes in registry districts are made.**

2. Section seventy-one of the said Act is hereby amended by adding thereto the following paragraph:— **43 V., c. 25, s. 71 amended.**

"The sheriff may, subject to the approval of the Lieutenant Governor, appoint deputy sheriffs, *who shall be paid such fees as are appointed by a schedule to that effect made from time to time by the Governor General in Council.*" **Deputy Sheriffs, appointment and salaries.**

43 V., c. 25, s. 82, § 1 repealed, and new sub-section substituted.

3. Sub-section one of section eighty-two of the said Act is hereby repealed, and the following sub-section is enacted in lieu thereof:—

Coroners, who are to be in North-West Territories.

"**82.** The Indian commissioner for the North-West Territories, the stipendiary magistrates under this Act, the commissioner and assistant commissioner of the North-West Mounted Police, and such other persons as the Lieutenant-Governor, from time to time, appoints, shall be Coroners in and for the North-West Territories." 5

43 V., c 25, s. 85 repealed, and new section substituted.

4. Section eighty-five of the said Act is hereby repealed and the following section is enacted in lieu thereof:— 10

Civil jurisdiction of Stipendiary Magistrate.

"Every stipendiary magistrate shall have jurisdiction, power, and authority to hold courts, whether established by ordinance of the Lieutenant-Governor or not (which shall be open public courts) at such times and places as he thinks proper, and at such courts, as sole Magistrate, to hear all claims, disputes and demands whatsoever (except as herein provided) which are brought before him and to determine any questions arising thereout, as well of fact as of law, in a summary manner: 15 20

Provisions for trial by jury, in certain cases.

"Provided, that in cases where the claim, dispute or demand arises out of a tort, wrong or grievance, and in which the amount claimed exceeds five hundred dollars, or if for a debt or on a contract in which the amount claimed exceeds one thousand dollars, or for the recovery of the possession of real estate, if either party demands a jury, or in any such case in which the judge thinks fit so to direct, he may direct that all questions of fact therein be tried and determined by a sworn jury of six in number, summoned in the manner hereinbefore provided, as to criminal trials: 25 30

Jury, how summoned.

Disputed accounts, reference of.

"Provided further, that in cases of disputed accounts, the stipendiary magistrate may, in lieu of a jury, direct the evidence to be taken by the clerk of any court, or other competent person. Such clerk or other person shall be sworn to take the same truly, and to reduce it to writing. 35

Judgment.

"The judge may give judgment on the verdict of the jury or upon the evidence found by the clerk or other person as aforesaid, or order a new trial, when justice seems to require the same; and in all cases give such judgment, and make such orders, and decrees interlocutory and final, as in such cases brought before him shall appear just and agreeable to equity and good conscience; 40

No action to lie for gambling debts or intoxicants.

"Provided always, that no court nor stipendiary magistrate in the Territories shall have cognizance of any action for a gambling debt, or for any intoxicating liquor or intoxicant, or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which was a gambling debt or any intoxicating liquor or intoxicant." 45 50

5. Section eighty-seven of the said Act is hereby repealed and the following section is enacted in lieu thereof:— 43 V., c. 25, s. 87 repealed, and new section substituted.

"**87.** The proceedings to carry into effect any such judgment, order or decree, whether interlocutory or final, shall be as prescribed by any ordinance of the Lieutenant-Governor in Council, or if no such ordinance be in force when any such judgment, order or decree is rendered, then in such a manner as the stipendiary magistrate who pronounced the same directs." Execution of judgment.

6. Section eighty-eight of the said Act is hereby repealed and the following section is enacted in lieu thereof: 43 V., c. 25, s. 88 repealed, and new section substituted.

"**88.** Any person feeling aggrieved by the final judgment, on any claim, dispute, or demand when the title to real estate is in question, or in cases of tort, wrong, or grievance, when the amount actually proved in dispute exceeds five hundred dollars, or in cases of contract, when the amount actually in dispute between the parties exceeds one thousand dollars, may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm or reverse the judgment, or to order a new trial; and the mode of such appeal, the time within which such appeal is to be made, and all particulars relating thereto, shall be determined from time to time, by ordinance of the Lieutenant-Governor in Council." Appeal to lie to Queen's Bench of Manitoba in certain cases.

7. *Section eighty-nine of the said Act is hereby amended by striking out the following words,* "*To District Registrars, not exceeding*.....1000." 43 V., c. 25, s. 89 amended.

8. Sub-sections nine and ten of section ninety of the said Act, as amended by the third section of the Act forty-fifth Victoria, chapter twenty-eight, are hereby repealed, and the following sub-sections are enacted in lieu thereof:— 43 V., c. 25, s. 90, §§ 9 and 10 repealed, and new sub-sections substituted.

"9. Any penalty incurred under this section may be recovered with costs of prosecution on summary conviction, on the evidence of one credible witness, before any Stipendiary Magistrate or Justice of the Peace, who shall on payment of such penalty and costs pay the informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction, the convicting magistrate or justice may in his discretion levy the same by distress and sale, or may commit the person so convicted and making default to any common gaol or house of correction or lock-up house for a period not exceeding six months, with or without hard labour, unless the said penalty and costs be sooner paid." Penalties for contravention of law respecting intoxicants, how recovered.

"10. 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, payable and recoverable as provided in the next preceding sub-section, and, in the discretion of the convicting magistrate or justice, to imprisonment with or without hard labour in any common gaol or house of correction or lock-up house for a further period not exceeding six months." Second offences penalties for.

2d Session, 5th Parliament, 47 Victoria, 1884.

L

BILL.

An Act to amend "*The North-West Territories Act*, 1880."

Received and read first time, Monday, 7th April, 1884.

Second reading, Tuesday, 8th April 1884.

The Honorable
Mr. MACPHERSON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1884

An Act to amend "The North-West Territories Act, 1880."

[NOTE.—*The words and clauses in italics are proposed to be inserted in Committee of the Whole.*]

WHEREAS it is expedient to amend "*The North West Territories Act*, 1880:" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

5 **1.** Sections sixty-three, sixty-four and sixty-five of the said Act are hereby repealed and the following sections are enacted in lieu thereof:—

"**63.** The Governor-in-Council may, from time to time, as the settlement of the country and the exigencies of the 10 public service require, constitute any portion of the North-West Territories a registry district for the purposes of registration of deeds and other instruments relating to land situate within the North-West Territories; and may by proclamation from time to time, make any change or alteration 15 in, or subdivision of, such registry districts, and may establish new registry districts and establish and change the position of registry offices, and may appoint registrars, and may do and ordain all other matters and things he deems expedient in or about the premises.

20 "2. From and after the day named in any such proclamation as the day on which any new registry district is established, no further registration shall be made in and for such registry district, except by the registrar appointed thereto.

"3. The Governor in Council may from time to time 25 appoint a registrar of deeds (hereinafter called the registrar) in and for each such registry district, who shall hold office during pleasure only, and shall reside and keep his office at such place as is named for that purpose in his commission or at such other place as is from time to time appointed for 30 that purpose by the Governor in Council.

"4. The office of the present registrar of deeds in and for the North-West Territories, established under the provisions of section sixty-three of "*The North-West Territories Act*, 1880," is hereby abolished from and after the date fixed by any 35 proclamation as the date on which any new registry districts shall be constituted under this Act, and thereafter he shall be deemed to be a registrar appointed under this substituted section, and shall discharge the duties of registrar of the registry district in which his office is situated at the time of

such abolition, but the salary now received by him shall not be decreased during his incumbency.

"5. The duties of registrars, the designation of deeds and instruments that may be registered, the mode of registry, the requisites for and the effect of registration, shall be governed by laws made or to be made under "*The North-West Territories Act*, 1880." 5

"6. *The Governor in Council shall fix, from time to time, the fees and charges to be paid for the registration of deeds and instruments.* 10

"7. Every registrar shall keep posted up in some conspicuous place in his office, a schedule of the fees and charges authorized by the Governor in Council.

"8. *The salaries of registrars shall be fixed by the Governor in Council, and shall be payable out of the Consolidated Revenue Fund of Canada; but no such salary shall exeeed twelve hundred dollars a year.* 15

"*Whenever the registration fees and charges collected or collectable by any registrar in any two years consecutively amount to more than fifteen hundred dollars a year, as ascertained by the quarterly returns and report of inspector hereinafter mentioned, the salary of such registrar shall cease to be so payable, and thenceforth he may retain to his own use all the fees and emoluments received by him in each year.* 20

"9. Every registrar shall keep a separate book, in which he shall enter from day to day all fees and emoluments collected by him by virtue of his office, showing separately the sums received for registering each deed or instrument, and for searches, and for extracts or copies, and for any other matter pertaining to his office and shall make to the Lieutenant-Governor, within fifteen days after the last day of March, June, September and December respectively in each year, a return, under oath, of such fees and emoluments so received during the three months next preceding the date of the said return; 25 30 35

"And every registrar shall with his fourth quarterly return to the Lieutenant-Governor for each year, pay over to the Lieutenant-Governor, on account of the Consolidated Revenue Fund of Canada, the fees and emoluments received by him during the year next preceding the date of the said return, so long as he is a salaried officer." 40

"6½. The Governor in Council may from time to time appoint an inspector of registry offices, whose duty it shall be:—

(*a*) To make a personal inspection of the building in which each office is kept and of the books, deeds, titles and instruments in each registry office;

(*b*) To see that the proper books are provided, that they are in good order and condition, that the proper entries and registrations are made therein in a proper manner and in a due and proper form and order, that the indices are properly kept and that all instruments are duly endorsed and certified and preserved;

(*c*) To ascertain that the office is kept duly open at and for the proper times, and that it is at all times duly attended to by the registrar or his deputy;

(*d*) To settle on some uniform device for the official seals and to see that the registrars supply themselves therewith;

(*e*) To inspect all abstracts, indices, and other books kept by the registrars;

(*f*) To inform the registrar how and in what manner he shall do any particular act or amend or correct whatever the inspector may find amiss; and in case he finds the work improperly done by any registrar, he shall have power to order a new book or books to be prepared and completed by the registrar at his own expense;

(*g*) To ascertain whether the registrar has received and accounted for all fees and emoluments.

(*h*) To report upon all such matters as expeditiously as may be to the Governor in Council for his information and decision;

"*The salary of the Inspector of Registry Offices shall not exceed twelve hundred dollars a year, and shall be payable out of the Consolidated Revenue Fund of Canada.*"

"**65.** Whenever any portion of the North West Territories is constituted a registry district as aforesaid, and whenever any change or alteration in or sub-division of any such registry district is made, or any new registry district is established, the present registrar of deeds in and for the North-West Territories, or, as the case may be, the registrar of such district as is changed, altered or sub-divided, shall deliver to the registrar of the new district so constituted or established, all books and indices, and all deeds, instruments, maps, plans and documents exclusively relating to lands situate within the limits of the new district so constituted or established."

2. Section seventy-one of the said Act is hereby amended by adding thereto the following paragraph:—

"The sheriff may, subject to the approval of the Lieutenant Governor, appoint deputy sheriffs, *who shall be paid such fees as are appointed by a schedule to that effect made from time to time by the Governor General in Council.*" 5

3. Sub-section one of section eighty-two of the said Act is hereby repealed, and the following sub-section is enacted in lieu thereof:—

"82. The Indian commissioner for the North-West Territories, the stipendiary magistrates under this Act, the commissioner and assistant commissioner of the North-West Mounted Police, and such other persons as the Lieutenant-Governor, from time to time, appoints, shall be Coroners in and for the North-West Territories." 10 15

4. Section eighty-five of the said Act is hereby repealed and the following section is enacted in lieu thereof:—

"85. Every stipendiary magistrate shall have jurisdiction, power, and authority to hold courts, whether established by ordinance of the Lieutenant-Governor or not (which shall be open public courts) at such times and places as he thinks proper, and at such courts, as sole Magistrate, to hear all claims, disputes and demands whatsoever (except as herein provided) which are brought before him and to determine any questions arising thereout, as well of fact as of law, in a summary manner: 20 25

"Provided, that in cases where the claim, dispute or demand arises out of a tort, wrong or grievance, and in which the amount claimed exceeds five hundred dollars, or if for a debt or on a contract in which the amount claimed exceeds one thousand dollars, or for the recovery of the possession of real estate, if either party demands a jury, or in any such case in which the judge thinks fit so to direct, he may direct that all questions of fact therein be tried and determined by a sworn jury of six in number, summoned in the manner hereinbefore provided as to criminal trials: 30 35

"Provided further, that in cases of disputed accounts, the stipendiary magistrate may, in lieu of a jury, direct the evidence to be taken by the clerk of any court, or other competent person. Such clerk or other person shall be sworn to take the same truly, and to reduce it to writing. 40

"The judge may give judgment on the verdict of the jury or upon the evidence found by the clerk or other person as aforesaid, or order a new trial, when justice seems to require the same; and in all cases give such judgment, and make such orders, and decrees interlocutory and final, as in such 45

cases brought before him shall appear just and agreeable to equity and good conscience;

"Provided always, that no court nor stipendiary magistrate in the Territories shall have cognizance of any action for a gambling debt, or for any intoxicating liquor or intoxicant, or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which was a gambling debt or any intoxicating liquor or intoxicant."

5. Section eighty-seven of the said Act is hereby repealed and the following section is enacted in lieu thereof:—

"87. The proceedings to carry into effect any such judgment, order or decree, whether interlocutory or final, shall be as prescribed by any ordinance of the Lieutenant-Governor in Council, or if no such ordinance be in force when any such judgment, order or decree is rendered, then in such a manner as the stipendiary magistrate who pronounced the same directs."

6. Section eighty-eight of the said Act is hereby repealed and the following section is enacted in lieu thereof:

"88. Any person feeling aggrieved by the final judgment of a Stipendiary Magistrate, on any claim, dispute, or demand when the title to real estate is in question, or in cases of tort, wrong, or grievance, when the amount in dispute exceeds five hundred dollars, or in cases of contract, when the amount in dispute between the parties exceeds one thousand dollars, may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm or reverse the judgment, or to order a new trial; and the mode of such appeal, the time within which such appeal is to be made, and all particulars relating thereto, shall be determined from time to time, by ordinance of the Lieutenant-Governor in Council."

7. *Section eighty-nine of the said Act is hereby amended by striking out the following words, "To District Registrars, not exceeding*..... 1000."

8. Sub-sections nine and ten of section ninety of the said Act, as amended by the third section of the Act forty-fifth Victoria, chapter twenty-eight, are hereby repealed, and the following sub-sections are enacted in lieu thereof:—

"9. Any penalty incurred under this section may be recovered with costs of prosecution on summary conviction, on the evidence of one credible witness, before any Stipendiary Magistrate or Justice of the Peace, who shall on payment of such penalty and costs pay the informer his share thereof; and in case of non-payment of the penalty and

costs immediately after conviction, the convicting magistrate or justice may in his discretion levy the same by distress and sale, or may commit the person so convicted and making default to any common gaol or house of correction or lock-up house for a period not exceeding six months, with or without hard labour, unless the said penalty and costs be sooner paid."

"10. 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, payable and recoverable as provided in the next preceding sub-section, and, in the discretion of the convicting magistrate or justice, to imprisonment with or without hard labour in any common gaol or house of correction or lock-up house for a further period not exceeding six months."

BILL.

An Act to authorize the transfer of prisoners from one gaol to another in certain cases.

WHEREAS it is expedient to extend the provisions of the Act passed in the thirty-first year of Her Majesty's reign, chaptered seventy-four, and intituled: "*An Act respecting persons in custody charged with High Treason or Felony.*" 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 Act is hereby amended by inserting after "Governor in Council," where these words first occur in the said Act, the words "or the Lieutenant-Governor in Council of any Province," and by inserting after "Governor in Council," wherever these words occur subsequently in the said Act, the words "or Lieutenant-Governor in Council," and by inserting after the words "Clerk of the Queen's Privy Council for Canada," the words "or the Clerk of the Executive Council." 31 V., c. 74, extended so that Provincial authorities may order removal of traitors or felons in case of insecurity of gaol, &c.

2. An order may be made under the said Act by the Governor General, or a Lieutenant-Governor in Council, in respect of any person for whose arrest for any treason or felony a warrant has been issued, and in case such person is thereafter confined in the gaol, the order shall be acted upon. Order for removal may be made before prisoner is lodged in gaol.

3. An order may also be made under the said Act by the Governor General, or a Lieutenant-Governor in Council, in respect of any person under sentence of imprisonment or under sentence of death, and in the latter case the Sheriff to whose gaol the prisoner may be removed shall obey any direction that may be given by the said order or by any subsequent Order in Council, for the return of such prisoner to the custody of the Sheriff by whom the sentence is to be executed. Order may be made when sentence of death has been pronounced.

2d Session, 5th Parliament, 47 Victoria, 1884.

M

BILL

An Act to authorize the transfer of prisoners from one gaol to another in certain cases.

Received and read a first time, Monday, 7th April, 1884.

Second Reading, Wednesday, 9th April, 1884.

The Honorable
Sir ALEXANDER CAMPBELL

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1884.

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2. An order may be made under the said Act by the Governor General, or a Lieutenant-Governor in Council, in respect of any person for whose arrest for any treason or felony a warrant has been issued, and in case such person is thereafter confined in the gaol, the order shall be acted upon.

3. An order may also be made under the said Act by the Governor General, or a Lieutenant-Governor in Council, in respect of any person under sentence of imprisonment or under sentence of death, and in the latter case the Sheriff to whose gaol the prisoner may be removed shall obey any direction that may be given by the said order or by any subsequent Order in Council, for the return of such prisoner to the custody of the Sheriff by whom the sentence is to be executed.

4. The words "Lieutenant Governor in Council" used in this Act include the Lieutenant Governor of the North-West Territories, and of any new territory which may hereafter be created out of such North-West Territories.

5. This Act as well as the Act which it amends apply to the Province of Manitoba.

BILL.

An Act to extend the limitation of time under the Act forty-third Victoria, chapter seven, intituled: "An Act for the final settlement of claims to lands in Manitoba by occupancy, under the Act thirty-third Victoria, chapter three."

Preamble.

43 V., c. 7, claims to certain lands in Manitoba to cease and determine if application not made by 1st May, 1882, &c.

33 V., c. 3, § 32 §§ 3, 4.

WHEREAS by the Act passed in the forty-third year of the reign of Her present Majesty, chaptered seven, and intituled: "*An Act for the final settlement of claims to lands in Manitoba by occupancy, under the Act thirty-third Victoria, chapter three*," it was provided that from and after the first day of May in the year of Our Lord, one thousand eight hundred and eighty-two, all and every the rights and claims given by the third and fourth sub-sections of the thirty-second section of the Act thirty-third Victoria, chapter three, or by any Act amending or referring to the same, should, in so far as respects rights to grants from the Crown, with respect to which application had not been made to the Department of the Interior before that day, cease and determine; and also that all such claims made before that day but which had not, before the expiration of six months after that day, been established to the satisfaction of the Minister of the Interior, should be barred as fully and effectually as if such claims had not been made, saving claims made before that day and which, before the expiration of six months after that day had been referred to the Commissioner or Commissioners under the Act thirty-eight Victoria, chapter fifty-three; and, whereas it is expedient to extend the time 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:—

43 V., c. 7, to be read and construed as if 1st May, 1882, meant 1st May, 1886.

1. The Act firstly mentioned in the preamble of this Act shall be read and construed as if the first day of May in the year of Our Lord one thousand eight hundred and eighty-six had been enacted instead of the first day of May in the year of Our Lord one thousand eight hundred and eighty-two, as the date from and after which such rights should cease, and as the limit of time for making claims to such grants.

Savings clause.

2. But this Act shall not affect the validity, invalidity effect or consequences of anything done or suffered before the passing of this Act, or any right, title or indemnity existing, acquired or accrued before the passing of this Act, or any remedy, proceeding, privilege, exemption or benefit to which any person would be entitled if this Act had not passed.

Proclamation to be issued.

3. And 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.

Short title.

4. This Act may be cited for all purposes as "*The Manitoba Land Claims Act*, 1884." 5

2d Session, 5th Parliament, 47 Victoria, 1884.

N

BILL.

An Act to extend the limitation of time under the Act forty-third Victoria, chapter seven, intituled: "*An Act for the final settlement of claims to lands in Manitoba by occupancy, under the Act thirty-third Victoria, chapter three.*"

Received and read first time, Tuesday, 8th April, 1884.

Second reading, Wednesday, 9th April 1884.

The Honorable
Mr. MACPHERSON.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.,
1884.

An Act to extend the limitation of time under the Act forty-third Victoria, chapter seven, intituled: "An Act for the final settlement of claims to lands in Manitoba by occupancy, under the Act thirty-third Victoria, chapter three."

WHEREAS by the Act passed in the forty-third year of the reign of Her present Majesty, chaptered seven, and intituled: "*An Act for the final settlement of claims to lands in Manitoba by occupancy, under the Act thirty-third Victoria, chapter three,*" it was provided that from and after the first day of May in the year of Our Lord, one thousand eight hundred and eighty-two, all and every the rights and claims given by the third and fourth sub-sections of the thirty-second section of the Act thirty-third Victoria, chapter three, or by any Act amending or referring to the same, should, in so far as respects rights to grants from the Crown, with respect to which application had not been made to the Department of the Interior before that day, cease and determine; and also that all such claims made before that day but which had not, before the expiration of six months after that day, been established to the satisfaction of the Minister of the Interior, should be barred as fully and effectually as if such claims had not been made, saving claims made before that day and which, before the expiration of six months after that day had been referred to the Commissioner or Commissioners under the Act thirty eight Victoria, chapter fifty-three; and, whereas it is expedient to extend the time 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:—

1. The Act firstly mentioned in the preamble of this Act shall be read and construed as if the first day of May in the year of Our Lord one thousand eight hundred and eighty-six had been enacted instead of the first day of May in the year of Our Lord one thousand eight hundred and eighty-two, as the date from and after which such rights should cease, and as the limit of time for making claims to such grants.

2. And 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.

3. This Act may be cited for all purposes as "*The Manitoba Land Claims Act*, 1884."