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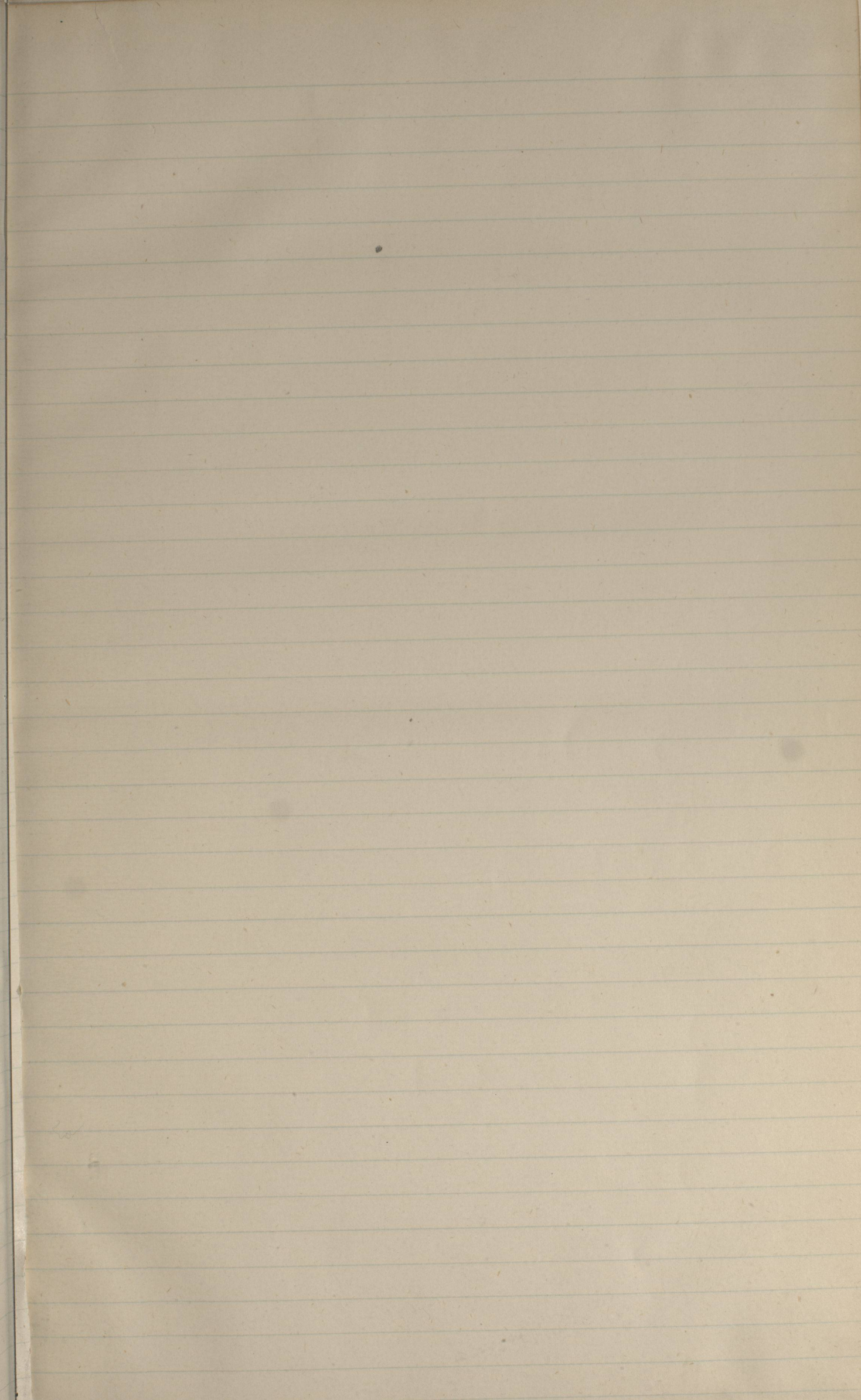
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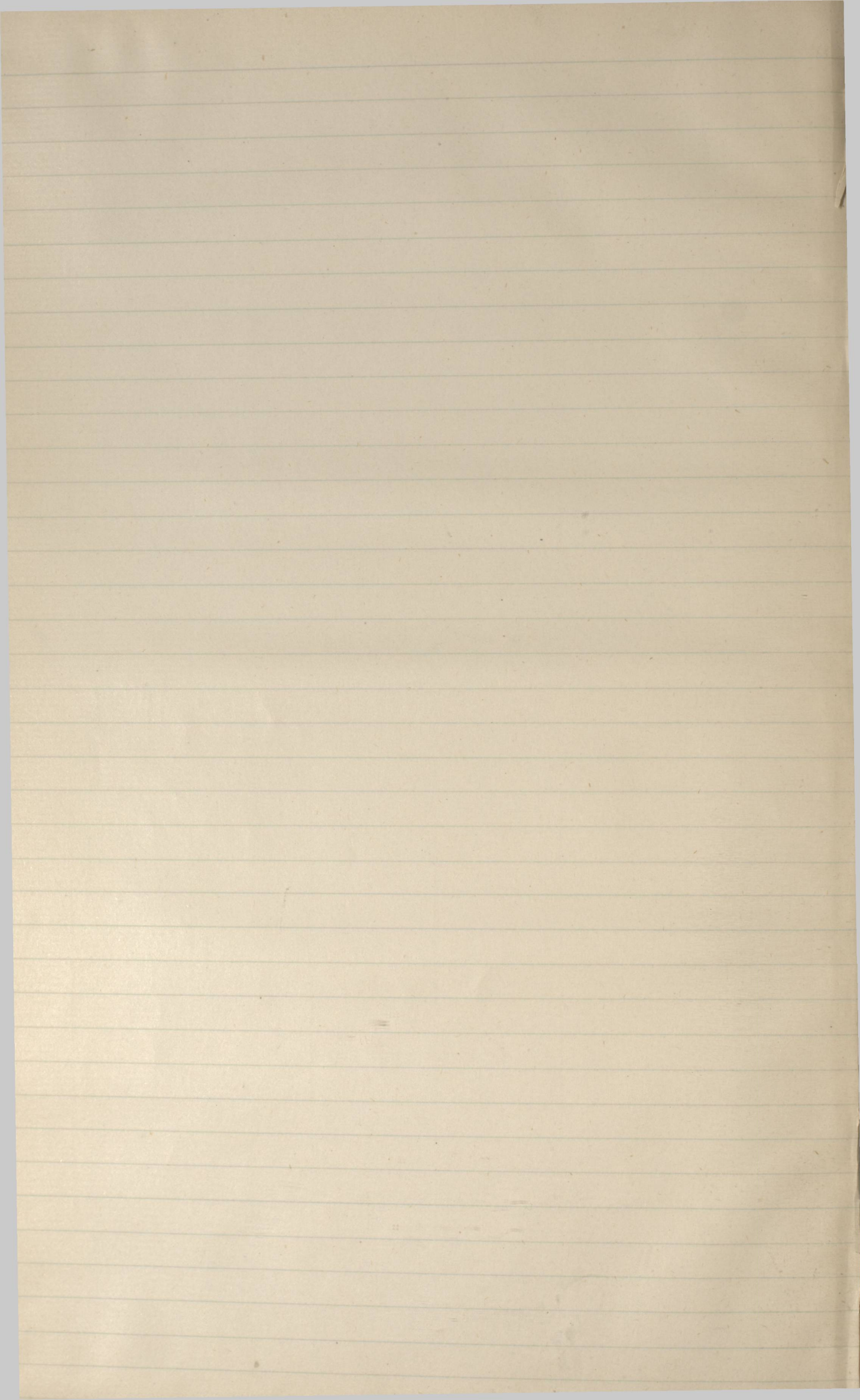
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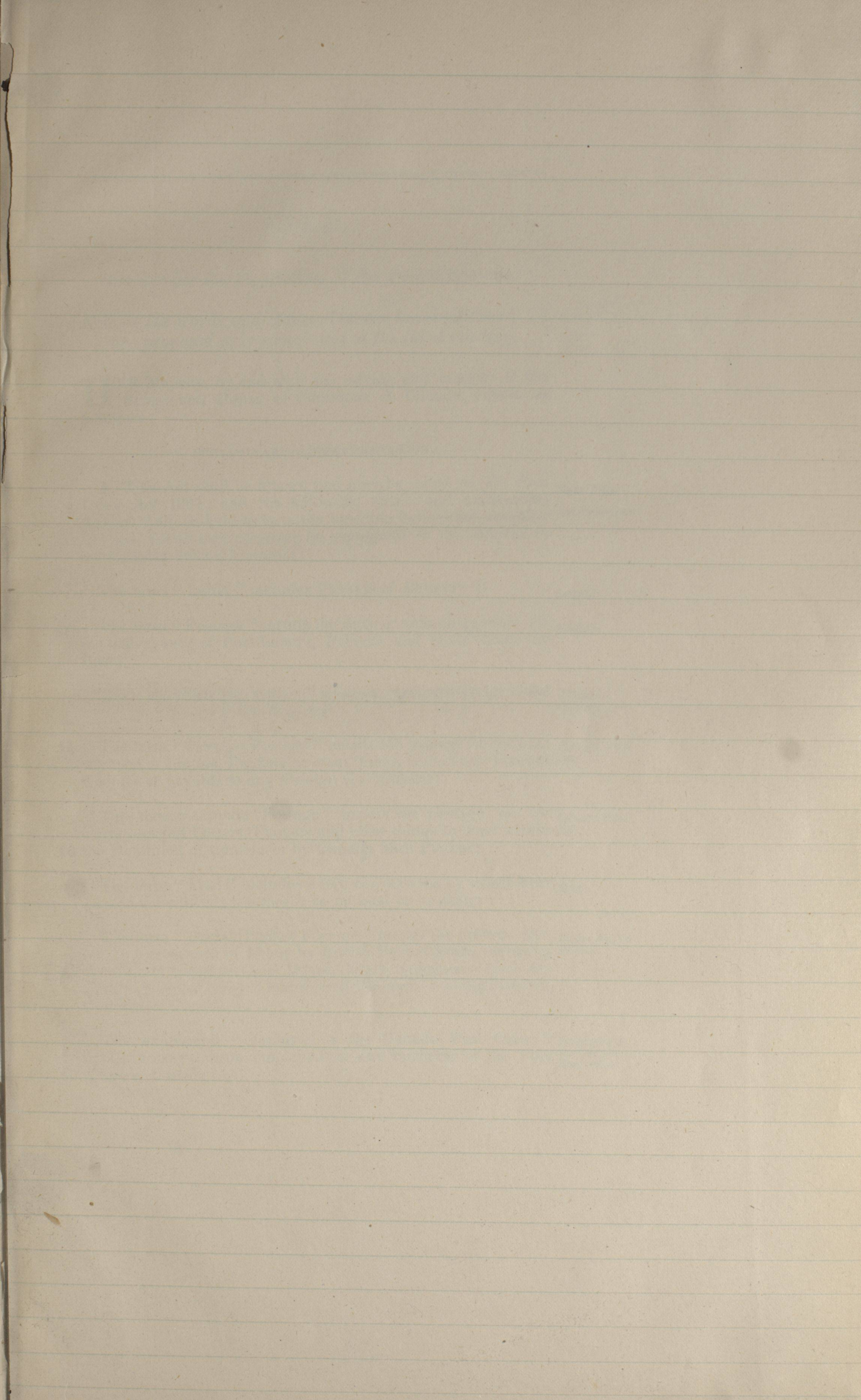
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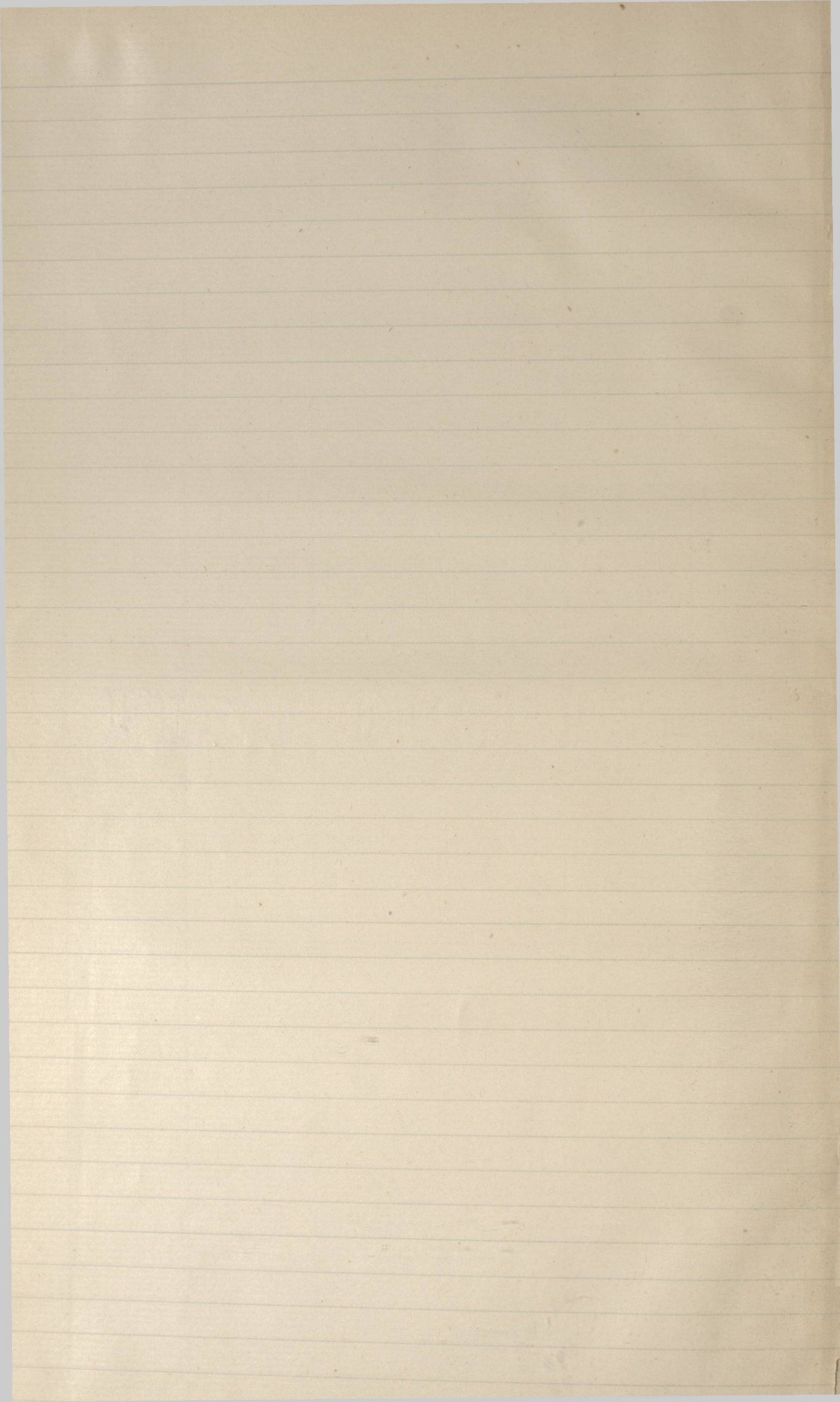
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BILL.

An Act for the regulation of the Postal Service.

Note.—The words and clauses between brackets, thus [] are proposed to be struck out at the third reading.

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

PRELIMINARY—INTERPRETATION.

1. This Act shall be known and may be cited as *The Post Office Act* 1867; and the following terms and expressions therein shall be held to have the meaning hereinafter assigned to them, unless such meaning be repugnant to the subject or inconsistent with the context :

Short Title.
Interpretation.

The term "Letter" includes Packets of Letters ;

Letter.

10 The term "Postage" means the duty or sum chargeable for the conveyance of Post Letters, Packets and other things by Post ;

Postage.

The term "Foreign Country" means any country not included in the dominions of Her Majesty ;

Foreign Country.

15 The term "Foreign Postage" means the postage on the conveyance of Letters, Packets or other things, within any Foreign Country or payable to any Foreign Government ;

Foreign Postage.

20 The term "Canada Postage" means the postage on the conveyance of Letters, Packets and other things by Post within the Dominion of Canada or by Canada Mail Packet ;

Canada Postage.

The term "Mail" includes every conveyance by which Post Letters are carried, whether it be by land or by water ;

Mail.

25 The term "British Packet Postage" means the postage due on the conveyance of letters by British Packet Boats, between the United Kingdom and British North America ;—And the term "British Postage" includes all Postage not being Foreign, Colonial or Canadian ;

British Packet Postage.

30 The expression "employed in the Canada Post Office" applies to any person employed in any business of the Post Office of Canada ;

Employed in the Canada Post Office.

- Post Letter.** The term "Post Letter" means any letter transmitted or deposited in any Post Office to be transmitted by the Post;—And a letter shall be deemed a Post Letter from the time of its being so deposited or delivered at a Post Office, to the time of its being delivered to the party to whom it is addressed, and a delivery to any person authorized to receive letters for the Post, shall be deemed a delivery at the Post Office; and a delivery of any letter or other mailable matter at the house or office of the person to whom the letter is addressed, or to him, or to his servant or agent, or other person considered to be authorized to receive the letter or other mailable matter, according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed; 5
- Mailable Matter.** The term "Mailable Matter" includes any letter, packet, parcel, newspaper, book or other thing which by this Act or by any Regulation made in pursuance of it, may be sent by Post; 15
- Post Letter Bag.** The term "Post Letter Bag" includes a Mail Bag or Box, or Packet or Parcel, or other envelope or covering in which mailable matter is conveyed, whether it does or does not actually contain mailable matter; 20
- Any Post Office.** The term "any Post Office" means any building, room, street letter box, receiving box or other receptacle, or place where Post Letters or other mailable matter are received or delivered, sorted, made up or dispatched; 10
- Valuable Security.** The term "Valuable Security" includes the whole or any part of any tally, order or other security or document whatsoever entitling or evidencing the title of any party to any share or interest in any Public Stock or Fund, whether of Canada, or of the United Kingdom, or of any British Colony or Possession, or of any Foreign Country, or in any Fund or Stock of any Body Corporate, Company or Society in Canada or elsewhere, or to any deposit in any Savings' Bank or the whole or any part of any Debenture, Deed, Bond, Post Office Money Order, Bank note, Bill, Note, Cheque, Warrant or order or other security for the payment of money, or for the delivery or transfer of any goods, chattels or valuable thing, whether in Canada or elsewhere; 25 30 35
- Between.** And the term "between" when used with reference to the transmission of letters or other things, applies equally to such transmission from either place to the other. 40
- Repeal of Provincial Laws.** 2. All Laws in force in the late Provinces of Canada, Nova Scotia or New Brunswick, at the Union thereof on the 1st July 1867, in respect to the Postal Service, and continued in force by the British North America Act 1867, shall be and the same are hereby repealed, except as to any act done or performed in virtue of the same and except in respect of any postage duties which may have become payable under the 45

same or any proceedings for the recovery of such duties, and except also as to any offence committed against the provisions of the said Laws hereby repealed, and any Fine or Penalty incurred by reason of any such offence, or any proceeding for the recovery of any such Fine or Penalty or for the punishment of any offender.

3. Except in so far as it may be otherwise provided in any case by the proper authority under this Act, or any other Act or Law of the Parliament of Canada,—all Post Offices and Postal Divisions, Stations, Districts and Establishments in Canada, and all commissions or appointments of any officers or persons employed in managing the said Posts and Post Communications, [or in collecting or accounting for Postage duties and dues,] in force at the time when this Act comes into force, shall continue and remain in force, and the nature of the duties and local extent of the powers of each Office, [and the salary and emoluments of the Officer,] shall remain the same as if such commissions or appointments had been granted or made under the authority of this Act, subject always to the provisions hereinafter made.

Provisional continuance of existing Post Office arrangements and Commissions.

4. And all bonds given by such Officers or persons or their sureties, and all contracts, agreements or engagements made by any party with or to any such Officer or person, shall remain in full force and effect, and shall be construed and have effect to all intents and purposes as if made and entered into with express reference to this Act and for the performance of the duties which under this Act may be lawfully assigned to or discharged by such Officers and persons respectively;—And any contract for the conveyance of Her Majesty's Mails or for any other service to be performed with reference to the Post Office, shall be construed as a contract for the conveyance of Her Majesty's Mails under this Act, and for the performance of the services therein contracted for, for Her Majesty's Canada Post Office, and the fulfilment of such contract may be enforced accordingly under this Act, [payment for such services being made out of Canada Funds, but performance otherwise] according to the terms of such contract.

Existing bonds contracts, &c., to continue in force.

Construction of contracts for conveyance of Mails.

5. And every regulation and departmental order not inconsistent with this Act and not providing for a matter for which provision is made by this Act, made by any then competent authority, to guide or direct such Officers and persons in the performance of their duties, or to confer, define or regulate their powers and the exercises thereof, shall remain in full force and effect, unless and until such regulation or order is abrogated or provision is made in the like matter by some regulation or order made by competent authority under this Act.

Regulations, &c., to remain in force, until abrogated under this Act.

Application of certain Acts. **6.** [Any Act of the Parliament of Canada *respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants*, shall apply to the said Posts and Post Communications, and to the Officers and persons employed in managing the same, or in collecting or accounting for the duties and dues aforesaid, except in so far as any provision of such Act is not susceptible of such application or is inconsistent with any provision of this Act.] 5

ORGANIZATION AND GENERAL PROVISIONS.

Post Office Department. **7.** There shall be at the Seat of Government of Canada a Post Office Department for the superintendence and management of the Postal Service of Canada, under the direction of a Postmaster General. 10

Postmaster General. **8.** The Postmaster General shall be appointed by Commission under the Great Seal of Canada, and shall hold his office during pleasure. 15

His powers. **9.** The Postmaster General may, subject to the provisions of this Act:

1. Establish and close Post Offices and Post Routes;

2. Appoint, remove or suspend any Postmaster or other Officer or Servant of the Post Office; 20

3. Enter into and enforce all contracts relating to the conveyance of the Mails, or other business of the Post Office;

4. Make regulations declaring what shall and what shall not be deemed to beailable matter for the purposes of this Act, and for restricting within reasonable limits the weight and dimensions of letters and packets and other matters sent by Post and for prohibiting and preventing the sending of explosive, dangerous, contraband or improper articles, obscene or immoral publications; 25

[5. Establish the rates of Postage on allailable matter, not being letters, newspapers or other things hereinafter specially provided for,] and prescribe the terms and conditions on which allailable matter not being letters, shall in each case or class of cases be permitted to pass by Post, and authorize the opening thereof, for the purpose of ascertaining whether such conditions have been complied with; 30 35

6. Cause to be prepared and distributed Postage Stamps, necessary for the prepayment of Postages under this Act, also stamped envelopes for the like purpose;

7. Make and give effect to any arrangements which may require to be made with the Government or with the postal authorities of the United Kingdom, or of any British Possession, or of the United States, or any other Foreign Country, with regard to the
5 [collecting and accounting for postage, the] transmission of mails, and other matters connected with Posts and Postal business, [and the remuneration or indemnity to be paid or received under any such arrangement ;]

[8. Make arrangements for refunding such postage as may
10 from time to time be paid by Her Majesty's Military or Naval authorities on official correspondence passing between the several stations of Her Majesty's Military and Naval Forces in Canada.]

[9. Make orders and regulations concerning the Money Order
15 system and the issuing and paying of Post Office Money Orders in Canada, and when he may deem it expedient arrange for the exchange of such Money Orders with any British Possession or Foreign Country on such terms and conditions as he may agree upon, and as may be set forth in the regulations
20 relating to the same, and all orders, regulations so made by him shall be binding and conclusive upon the persons in favor of whom such Money Orders shall be issued, and the payees thereof and all persons interested through or claiming under them and upon all other persons whomsoever ;]

25 10. Make and alter rules and orders for the conduct of and management of the business and affairs of the Department, and for the guidance and government of the Postmasters and other officers and servants of the Post Office in the performance of their duties ;

30 11. Prescribe and enforce such Regulations, as to him may seem necessary, in respect to the registration of letters and other matter passing by Mail, as well between places in Canada, as between Canada and the United Kingdom, any British Possession, the United States or any other Foreign
35 Country, [and to the charge to be made for the same ;] and also in respect to the registration by the officers of the Post Office of letters containing money or other valuable enclosure when posted without registration by the senders of the same, [and to imposing such rate of registration charge upon such letters as
40 he may deem proper, not exceeding treble the ordinary rate ;]

12. Decide all questions which may arise as to what shall be deemed to be a letter or letter packet, newspaper, periodical, or other article of mailable matter, admitted to pass by Post under this Act, [and as to the rate of postage to which it may
45 consequently be liable ;]

13. Sue for and recover all sums of money due for [postage or for] penalties under this Act or under any Act of the late

Provinces of Canada, Nova Scotia or New Brunswick, [or by any Postmaster or his Sureties ;]

14. Establish and provide Street Letter Boxes or Pillar Boxes or Boxes of any other description for the receipt of letters and such other mailable matter as he may deem expedient, in the streets of any City or Town in Canada, or at any Railway Station or other public place where he may consider such Letter Box to be necessary ; 5

15. Grant licenses revocable at pleasure, to Agents other than Postmasters, for the sale to the Public of Postage Stamps and stamped Envelopes, [and allow to such Agents a commission of not exceeding five per cent on the amount of their sales ;] 10

16. Impose, with the approval of the Governor General in Council, pecuniary penalties not exceeding two hundred dollars for any one offence on persons offending against any such regulation as aforesaid, whether they be or be not officers of the Post Office ; 15

17. And generally to make such regulations as he deems necessary for the due and effective working of the Post Office and Postal business and arrangements, and for carrying this Act fully into effect ; 20

18. And every such regulation as aforesaid may from time to time be repealed or amended by any subsequent regulation made in like manner ;—And every such regulation shall, until it be otherwise ordered by any subsequent regulation, have force and effect as if it formed part of the provisions of this Act, unless it be inconsistent with the enactments thereof. 25

Publication, commencement, duration and evidence of regulations made by the Postmaster General.

19. Any general regulation made by the Postmaster General under this Act, other than those made solely for the guidance and government of the officers or other persons employed in the Postal service, which may be communicated by Department Order, or otherwise as the Postmaster General may see fit, shall have effect from and after the day on which the same shall have been published in the Official Gazette, or from and after such later day as may be appointed for the purpose in such regulation, and during such time as shall be therein expressed, or if no time be expressed for that purpose, then until the same are revoked or altered ; and every such regulation may be revoked, varied or altered by any subsequent regulation ; and a copy of the Official Gazette containing any such regulation shall be evidence of such regulation to all intents and purposes whatsoever. 30 35 40

Bonds, &c., to be valid.

20. And any bond or security required or authorized by any such regulation or by any order of the Postmaster General, 45

in any matter relative to the Post Office, or to the observance of any provision of this Act or any regulation or order made under it, shall be valid in law and may be enforced according to its tenor on breach of the condition thereof.

5 **12.** No Regulation made under this Act, shall be inconsistent with the express provisions thereof. Regulations to conform to Act.

13. The Postmaster General may from time to time, by commissions under his hand and seal of office, nominate fit and proper persons to be and to be called Post Office Post Office Inspectors.
10 Inspectors, and to be stationed at such places and to exercise their powers and perform their duties and functions within such limits respectively as he may from time to time appoint ;

2. And it shall be the duty of such Post Office Inspectors, Their duties,
15 under such instructions as may from time to time be given to them by the Postmaster General,—to superintend the performance of the Mail service, taking care that, as far as the state of the roads and other circumstances will permit, the stipulations of all contracts for the conveyance of the Mail are strictly complied with by the Contractors,—to make monthly reports
20 to the Postmaster General of the manner in which the Mail has been carried on each route, stating what fines they recommend should be imposed,—to instruct new Postmasters in their duties,—to keep the Postmasters to their duty [in rendering their accounts and paying over their balances,]—to examine at every
25 Post Office from time to time the Books of Mails received at and sent from the same, and to see that they are properly kept, and that the Received Bills are properly numbered and filed, and that the Postmasters and their Assistants perfectly understand their instructions, and perform their duty well in every
30 particular,—to inquire into complaints of losses of valuable Letters,—and generally to do all and whatsoever they are from time to time lawfully instructed or required by the Postmaster General to do for the service of the Post Office Department.

14. The Governor in Council may appoint a proper person Deputy Postmaster General.
35 to be Deputy Postmaster General, to hold office during pleasure, and the said Deputy Postmaster General shall have the oversight and direction of the other Officers, Clerks and messengers or servants, and of all persons employed in the postal service, and shall have, under the Post Master General,
40 the general management of the business of the Department, and his directions shall be obeyed in like manner as the directions of the Postmaster General would be, subject however to the control of the latter in all matters whatsoever.

15. [Each officer, clerk or servant employed in or by the Remuneration of Officers.
45 Post Office Department shall be remunerated by a stated salary or pay, to be fixed by the Post Master General, subject to the provisions of any Act relating to the Civil Service.]

No allowance or compensation for extra service. **16.** [No allowance or compensation shall be made to any Clerk or other Officer in the Post Office Department, by reason of the discharge of duties which belong to any other Clerk or Officer in the same Department.—And no allowance or compensation shall be made for any extra service whatever which any such Clerk or Officer may be required to perform.] 5

Mails to and from the West Indies. **17.** The Post Master General may, with the consent of the Governor General in Council, negotiate and arrange for the conveyance of Mails between Canada and the West Indies, or between Canada and Newfoundland, by a line of efficient and well appointed steamships plying between such convenient Port or ports in the Dominion and such convenient Port or Ports in the West Indies, or in Newfoundland, as the case may be, as may be agreed upon—provided always, that any engagement entered into under the authority of this section, shall not have effect for more than one year, unless sanctioned by Parliament at the next following Session thereof. 15

Proviso.

Delivery of money or property lost or stolen from the Mails when recovered. **18.** It shall be lawful for the Post Master General, to pay over and deliver to such person or persons as he may consider to be the rightful owner or owners thereof, upon satisfactory evidence of claim, any sum of money, or other property stolen or lost from the mails, which may be by the Post Master General, recovered from the thief or thieves, or may otherwise come into his possession. 20

RATES OF POSTAGE.

Ordinary rate of Postage on Letters, and provisions for securing its prepayment. **19.** Except in cases hereinafter specially provided for, the postage on letters not entitled to pass at a lower rate expressly provided for, transmitted by post for any distance within the Dominion of Canada, shall be one uniform rate of [*three*] cents per half ounce, any fraction of a half ounce being chargeable as a half ounce, to be in all cases prepaid by postage stamps plainly affixed to such letters. 25

2. Letters posted at any Office in Canada, on which the postage to which they may be liable is wholly unpaid, shall be sent to the Dead Letter Office. 30

3. If any letter weighing more than half an ounce and not fully prepaid, bears postage stamps equal to the proper amount of one rate, it may be forwarded to destination, charged with double the amount of postage omitted to be prepaid, and such postage shall be recoverable from the sender of such letter if not paid by the party addressed. 35

4. Letters not prepaid at least one rate shall be treated as wholly unpaid.

5. Whenever it may happen that any Postmaster shall not have any postage stamps of the requisite value for sale, then and in such case the postage upon any letter, or other 40

mailable matter, may be prepaid in current coin, and shall be acknowledged and marked as so prepaid by such Postmaster on the face or cover of such letter or other mailable matter.

5 **20.** On letters not transmitted through the mails, but posted and delivered at the same Post Office, commonly known as local or drop letters, the rate shall be [*one cent*] per half ounce, to be in all cases prepaid by postage stamps affixed to such letters.

Rate of postage on local or drop letters.

10 **21.** In every case in which any Seaman in Her Majesty's Navy, or Sergeant, Corporal, Drummer, Trumpeter, Fifer or Private Soldier in Her Majesty's service, is entitled to receive or send letters on the payment of a certain sum and no more, in place of all British Postage thereon, the payment of such sum shall likewise free such letter from all Canada Postage
15 thereon :

Of letters to or from Seamen or Soldiers in H. M. Service.

2. And in all cases in which a letter addressed to a Commissioned Officer of the Army, or Navy, or of any of the departments belonging thereto respectively, at a place where he has been employed on actual service, would be free
20 from British Postage on the transmission thereof from such place to any place to which he has removed in the execution of his duty, before the delivery of such letter or packet, the same shall in like manner be free from Canada Postage;—And the Postmaster General may make such regulations declaratory
25 and otherwise, as may be necessary for giving effect to this section.

22. The rate of postage upon newspapers printed and published in Canada, and issued not less frequently than once a week, from a known office of publication, and sent to regular
30 subscribers in Canada or elsewhere by mail, shall from and after the first day of January, eighteen hundred and sixty-nine, be *one cent* for every three numbers, or in that proportion for any greater number, to be in all cases prepaid at the time of posting the same, by stamp or otherwise as the Postmaster General shall
35 by Regulation direct—provided nevertheless, that *Exchange Papers*, addressed by one publisher of a newspaper to another publisher may be sent by Post free of charge—and provided also
40 in Canada, shall be liable to a rate of [*one cent*] for every two numbers, to be paid either at the Post Office where such newspapers may be posted, or at the Post Office where delivered.

Postage on Canadian Newspapers.

Proviso.

Proviso.

23. On all newspapers sent by Post in Canada, except in the cases hereinbefore expressly provided for, there shall be
45 payable a rate of *one cent* each, and when such newspapers

Postage on other Newspapers.

are posted in Canada this rate shall in all cases be prepaid by postage stamps affixed to the same.

Meaning of
"News-
papers."

24. For the purposes of this Section, the word "News-papers" shall be held to mean periodicals published not less frequently than once in each week, and containing notices of passing events, 5

Postage on
other perio-
dical publi-
cations.

25. The rate of postage upon periodical publications, other than newspapers, and issued not less frequently than once in every three months, shall be [*one cent*] per four ounces, and when such periodical publications are posted in Canada, this rate shall in all cases be prepaid by postage stamps affixed to the same. 10

Rate of postage
on books,
pamphlets,
&c.

26. On books, pamphlets, occasional publications, almanacs, printed circulars, prices current, handbills, book manuscripts, printer's proof sheets whether corrected or not, maps, prints, drawings, engravings, photographs when not on glass, or in cases containing glass, sheet music whether printed or written, packages of seeds, cuttings, bulbous roots and scions or grafts, patterns or samples of merchandize or goods, the rate of postage shall be *one cent* per ounce; provided that no letter or other communication intended to serve the purpose of a letter be sent or enclosed therein, and that the same be sent in covers open at the ends or sides or otherwise so put up as to admit of inspection by the Officers of the Post Office to ensure compliance with this provision—and this postage rate shall be prepaid by postage stamp in all cases when such articles are posted in Canada. 15 20 25

Proviso.

Postage on
mailable
matter between
Canada and
any other
Country.

27. Provided that notwithstanding any thing herein contained all letters, newspapers and other mailable matter passing by mail between any place in Canada and the United Kingdom, any British possession, the United States or any other Foreign Country, shall be liable to such charges, and rates of postage on being posted in Canada, or on delivery therein, and be subject to such regulations and conditions, as may be agreed upon under any arrangement made by the Postmaster General, for the transmission, despatch, receipt and delivery of the same, and contained in any Regulation made by the Postmaster General in pursuance of such arrangement. 30 35 40

PAYMENT OF POSTAGE.

From whom
and how pos-
tage on unpaid
letters may be
recovered.

28. As well the Colonial, British or Foreign as the Canada postage on any letter or other mailable matter shall (if not pre-paid) be payable to the Postmaster General by the party to whom the same is addressed, or who may lawfully receive

such letter or other thing, which may be detained until the postage be paid ;—And any refusal or neglect to pay such postage shall be held to be a refusal to receive such letter or thing, which shall be detained and dealt with accordingly ; but if
5 the same is delivered, the postage on it shall be charged against and paid by the Postmaster delivering it, saving his right to recover it from the party by whom it was due, as money paid for such party :

2. If any letter or other mailable matter is refused, or if the
10 party to whom it is addressed cannot be found, then any postage due thereon shall be recoverable by the Postmaster General from the sender of such letter or packet ;

3. The postage marked on any letter or other mailable matter shall be held to be the true postage due thereon, and the party
15 signing or addressing it shall be held to be the sender, until the contrary be shewn ;

4. And all postage may be recovered with costs, by civil action in any Court having jurisdiction to the amount, or in any way in which customs duties are or may be recoverable.

20 **29.** In all cases where letters and other mailable matter are posted for places without the limits of Canada, on which stamps for pre-payment are affixed of less value than the true rate of Postage to which such letters are liable,—or when stamps for pre-payment are affixed to letters addressed to any place as
25 aforesaid for which prepayment cannot be taken in Canada,—the Postmaster General may forward such letters, charged with postage, as if no stamp had been thereon affixed.

Cases in which stamped letters for places out of Canada may be forwarded as unpaid letters.

30. And for avoiding doubts, and preventing inconvenient delay in the posting and delivery of letters,—no Postmaster
30 shall be bound to give change, but the exact amount of the postage on any letter or other mailable matter shall be tendered or paid to him in current coin as respects letters or other things delivered, and in current coin or postage stamps as the case may require in respect to the letters or other things posted.

Postmasters not bound to give change.

SHIP LETTERS.

35 **31.** [The Postmaster General may make such reasonable compensation as he may see fit, to Masters of vessels, not being Post Office Packets, for each letter conveyed by such vessels between places beyond Sea and Canada, and the Governor
40 General in Council may direct that at any Port or class of Ports, such vessels shall not be permitted by the Officers of customs to enter or break bulk until all letters on board the same have been delivered at the Post Office, nor until the Master has made declaration in such form as may be prescribed, that he has delivered all such letters accordingly.]

Conveyance of letters by sea to or from Canada in vessels other than Post Office Packets.

EXCLUSIVE PRIVILEGE OF THE POSTMASTER GENERAL—AND
EXCEPTIONS FROM IT.

Except in certain cases no one but the Postmaster General, to collect convey and deliver letters in Canada on pain of a fine of \$20.

32. Subject always to the provisions and regulations aforesaid, and the exceptions hereinafter made, the Postmaster General shall have the sole and exclusive privilege of conveying, receiving, collecting, sending and delivering letters within the Dominion of Canada ;—And (except in the cases hereinafter excepted) any person who collects, sends, conveys or delivers or undertakes to convey or deliver any letter within the said Dominion, or who receives or has in his possession any letter for the purpose of conveying or delivering it, otherwise than in conformity with this Act, shall, for each and every letter so unlawfully conveyed or undertaken to be conveyed, received, delivered or found in his possession, incur a penalty not exceeding twenty dollars : 5

But such exclusive privilege, prohibition and penalty shall not apply to—

Letters sent by a private friend in his way, journey or travel, provided such letters be delivered by such friend to the party to whom they are addressed ; 15

Letters sent by a messenger on purpose, concerning the private affairs of the of the sender or receiver ;

Commissions or returns thereof, and affidavits or writs, process or proceedings or returns thereof, issuing out of a Court of Justice ; 20

Letters addressed to a place out of Canada and sent by sea and by a private vessel ;

Letters lawfully brought into Canada, and immediately posted at the nearest Post Office ; 25

Letters of merchants, owners of vessels of merchandize, or of the cargo or loading therein, sent by such vessel of merchandize, or by any person employed by such owners for the carriage of such letters according to their respective addresses,— and delivered to the persons to whom they are respectively addressed, without pay, hire, reward, advantage or profit for so doing ; 30

Letters concerning goods or merchandize sent by common known carriers to be delivered with the goods to which such letters relate, without hire or reward, profit or advantage for receiving or delivering them ; 35

But nothing herein contained shall authorize any person to collect any such excepted letters for the purpose of sending or

conveying them as aforesaid,—or shall oblige any person to send any Newspaper, Pamphlet or Printed Book by Post.

33. Any person may, and any Officer or person employed in the Post Office, or in the collection of the Revenue of the Dominion, shall,—seize any letters conveyed, received, collected, sent or delivered in contravention of this Act, and take them to the nearest Post Office, and give such information to the Postmaster as he may be able to give, and as is necessary for the effectual prosecution of the offender ;—and the letters shall moreover be chargeable with letter Postage.

In case of contravention letters may be seized and charged with Postage.

BRANCH OFFICES AND DELIVERY IN CITIES, &c.

34. The Postmaster General may, when in his judgment the public interest or convenience requires it, establish one or more Branch Post Offices to facilitate the operation of the Post Office in any city or place which in his opinion requires such additional accommodation for the convenience of the inhabitants ; and he may prescribe the rules and regulations for the Branch Post Offices established by virtue of this Act ; and no additional Postage shall be charged for the receipt or delivery of any letter or packet at such Branch Post Office.

Establishment and regulation of Branch Post Offices in Cities.

35. The Postmaster General may, whenever the same may be proper for the accommodation of the public in any city, employ Letter Carriers for the delivery of letters received at the Post Office in such city, (except such as the persons to whom they are addressed may have requested, in writing addressed to the Postmaster, to be retained in the Post Office,) and for the receipt of letters at such places in the said city as the Postmaster General may direct, and for the deposit of the same in the Post Office :

Employment of Letter Carriers in Cities and rates of City Postage.

2. And for the delivery by a Carrier of each letter received from the Post Office, the person to whom the same is delivered shall pay not exceeding [*two cents*,] and for the delivery of each newspaper and pamphlet [*one cent*] ;—all of which receipts, by the Carriers in any city, shall be accounted for to the Postmaster General.

3. Each of such Carriers shall give bond, with sureties to be approved by the Postmaster General, for the safe custody and delivery of all letters, and for the due account and payment of all moneys received by him.

36. It shall be lawful for the Postmaster General, with the consent of the Governor in Council, to establish in any city, when he shall deem it expedient, a system of free delivery by Letter Carrier of letters brought by mail and he may direct that from the time that such system is so established, no charge shall be made for the delivery of such letters by Letter Carriers

Provision for delivery of Letters in Cities free of or at a low rate of City Postage.

in the said city, and further that on drop or local letters when delivered by Letter Carrier in such city, *one cent* only per half ounce shall be charged in addition to the ordinary local or drop letter rate.

PARCEL POST.

Parcel Post.

37. The Postmaster General may establish and maintain a parcel post; and closed parcels, other than letters, and not containing letters, may be sent by such parcel post; and when so sent shall be liable to such charges for conveyance and to such regulations as the Postmaster General shall from time to time see fit to make. 5 10

FRANKING AND FREE MAIL MATTER.

Certain Letters and other mailable matter to be free of Postage.

38. All letters and other mailable matter addressed to or sent by the Governor General of Canada, or sent to or by any department of the Government at the seat of Government, shall be free of Canada Postage under such regulations as may from time to time be made in that respect by the Governor General in Council; 15

2. Letters and other mailable matter addressed to or sent by the Speaker or Chief Clerk of the Senate or of the House of Commons, or to or by any Member of either House at the Seat of Government, during any Session of Parliament, or addressed to any of the members or Officers in this section mentioned, at the seat of Government as aforesaid, during the ten days next before the meeting of Parliament, shall be free of postage; 20

3. All public documents and printed papers may be sent by the Speaker or Chief Clerk of the Senate or of the House of Commons, to any Member of either House, during the recess of Parliament, free of postage; 25

4. The privilege of free transmission as above given in this section shall apply only to mail matter passing between the seat of Government and places in Canada. 30

5. Members of either the Senate or House of Commons of Canada may, during the recess of Parliament, send by Mail free of Postage, all papers printed by order of either House.

6. The Postmaster General may prescribe the conditions and circumstances under which letters, accounts and papers, relating solely to the business of the Post Office, and addressed to or sent by some officer thereof, shall be free from Canada Postage; 35

PROPERTY IN POST LETTERS, AND OTHER MAILABLE MATTER.

39. From the time any letter, packet, chattel, money or thing is deposited in the Post Office for the purpose of being sent by Post, it shall cease to be the property of the sender, and shall be the property of the party to whom it is addressed or the legal representatives of such party; And the Postmaster General shall not be liable to any party for the loss of any letter packet or other thing sent by Post; nor shall any letter or packet or other mailable matter be liable to demand, seizure, or detention, whilst in the Post Office, or in the custody of any person employed in the Canada Post Office,—under legal process against the sender thereof, or against the party or legal representatives of the party to whom it may be addressed.

Property in
Mailable
matter.

DEAD LETTERS.

40. Letters, or other articles, which from any cause remain undelivered in any Post Office, or which having been posted, cannot by reason of non-payment of Postage required to be prepaid thereon, or for other cause, be forwarded by post, shall under such regulations as the Postmaster General may make, be transmitted by Postmasters to the Post Office Department as Dead Letters, there to be opened and returned to the writers on payment of any postage due thereon, with [five cents] additional on each Dead Letter to defray the costs of returning the same, or such Dead Letters may in any case or class of cases be otherwise disposed of as the Postmaster General may direct.

Dead Letters.

2. If any such Dead Letter, of which the writer cannot be ascertained or found, contains money, the Postmaster General may appropriate it as Postal Revenue, keeping an account thereof, and the amount shall be paid by the Department to the rightful claimant as soon as he is found.

41. All advertisements of Letters uncalled for in any Post Office, made under the orders of the Postmaster General, in a newspaper or newspapers, shall be inserted in some newspaper or newspapers of the town or place where the Office advertising is situate, or of the town or place nearest to such Post Office, provided the Publisher of such newspaper or newspapers agree to insert the same in three separate issues or publications of such newspaper or newspapers, for a price not greater than two cents for each Letter.

Advertisement
of Dead
Letters.

LETTERS CONTAINING CONTRABAND GOODS.

42. The Postmaster General, or any Postmaster by him to that effect duly authorized, may detain any Post Letter suspected to contain any contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of

Detention, &c.,
of Letters
suspected to
contain contra-
band or
dutiable goods.

which into Canada any duties of Customs are by law payable, and suspected to have been enclosed therein to evade payment of such duties, and forward the same to the nearest Collector of Her Majesty's Customs, who, in the presence of the person to whom the same may be addressed, or in his absence in case of non-attendance, after due notice in writing from such Collector requiring his attendance, left at or forwarded by the post according to the address on the letter, may open and examine the same ; 5

2. And if on any such examination any contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, are discovered, such Collector may detain the letter and its contents for the purpose of prosecution ;—and if no contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into Canada any duties of Customs are by law payable, are discovered in such letter, it shall, if the party to whom it is addressed is present, be handed over to him on his paying the postage (if any) charged thereon, or if he is not present, it shall be returned to the Post Office and be forwarded to the place of its address. 10 15 20

TOLLS—AND FERRIES.

Tolls and
Ferries.

43. No Mail stage, or other winter or summer vehicle carrying a Mail, shall be exempted from tolls or dues on any road or bridge in Canada, unless in the Act or Charter authorizing such road or bridge, it is specially so provided : 25

2. Every Ferryman shall upon request and without delay, convey over his Ferry any Courier or other person travelling with the Mail, and the carriage and horse, or horses employed in carrying the same, and the sum to be paid for such service shall be fixed by contract, or if any ferryman demands more than the Post Office authorities or the contractor for carrying the mail are willing to pay, the amount to be paid shall be fixed by arbitrators, each party naming an Arbitrator, and the two Arbitrators naming a third, the decision of any two Arbitrators to be binding ; but as respects payment, this shall not apply to cases in the Provinces of New Brunswick and Nova Scotia, where mails carried under now existing mail contracts are, under statutes in force when such contracts were made, carried over ferries without charge, and in all such cases the right to such ferriage without charge shall continue in force until the expiration of said contracts ; 30 35 40

3. No Tollgate keeper or Ferryman shall detain or delay a mail on pretence of demanding toll or ferriage, but the same if due and not paid shall be recovered in the usual course of law from the party liable. 45

UNITED STATES MAILS PASSING THROUGH CANADA.

44. The Postmaster General may from time to time, with the approval of the Governor in Council, make any arrangement which he deems just and expedient, for allowing the mails of the United States to be carried or transported at the expense of the said United States over any portion of Canada, from any one point in the Territory of the said United States to any other point in the same territory, upon obtaining the like privilege for the transportation of the Mails of Canada through the United States when required.
45. Every United States Mail so carried or transported as last aforesaid shall, while in Canada, be deemed and taken to be a Mail of Her Majesty, so far as to make any violation thereof, any depredation thereon, or any act or offence in respect thereto or to any part thereof, which would be punishable under the existing Laws of Canada if the same were a Canada Mail or part of a Canada Mail, an offence of the same degree and magnitude and punishable in the same manner and to the same extent as though the same were a Canada Mail or part of a Canada Mail;—And in any indictment for such act or offence, such Mail or part of a Mail may be alleged to be, and on the trial of such indictment shall be held to be a Canada Mail or part of a Canada Mail;—And in any indictment for stealing, embezzling, secreting or destroying any Post letter, Post letter-bag, packet, chattel, money or valuable security sent by Post through and by any of the said United States Mails as aforesaid, in the indictment to be preferred against the offender, the property of such Post letter, Post letter-bag, packet, chattel, money or valuable security sent by Post as herein mentioned, may be laid in the Postmaster General,—and it shall not be necessary to allege in the indictment or to prove upon the trial or otherwise, that the Post letter, Post letter-bag, packet, chattel or valuable security was of value.

Postmaster General may allow United States Mails to be carried through Canada on certain conditions.

Such mails to be deemed while in Canada Her Majesty's Canada mails as regards the punishment of offences committed in respect thereof.

POSTMASTERS.

46. No Postmaster at any incorporated city or town, and no officer of the Post Office Department, except the Postmasters at places other than those aforesaid, shall vote at any election for members of Parliament, and such Postmasters and Officers shall in this respect be subject to the provisions of any Act respecting such elections, which may at any time be in force, as if they were officers of Customs or Excise and shall be liable to like penalties in the case of contravention.
47. The Postmaster General shall, upon the appointment of any Postmaster, require and take of such Postmaster a bond, with good and approved security, in such penalty as he deems sufficient, conditioned for the faithful discharge of all the duties of such Postmaster required by law, or which may be

Postmasters at incorporated Cities & Towns and officers of the Post Office Department not to vote at elections.

Postmasters to give bonds.

required by any instruction or regulation or general rule for the government of the Post Office ;

Sureties may be changed and new bonds executed.

2. And when any Surety of a Postmaster notifies to the Postmaster General his desire to be released from his suretyship, or when the Postmaster General deems it necessary, he may require such Postmaster to execute a new bond, with sureties, which bond, when accepted by the Postmaster General, shall be as valid as the bond given upon the original appointment of the Postmaster, and the Sureties in the prior bond shall be released from responsibility for all acts or defaults of the Postmaster done or committed subsequent to the acceptance of the new bond, the date of which acceptance shall be duly endorsed on such prior bond ;

Application of payments made after new bond.

3. Payments made by such Postmaster subsequent to the acceptance of the new bond, shall be applied first to the discharge of any balance due by him at the time of such acceptance, unless the Postmaster General shall otherwise direct ;

Limitation of suits against sureties.

4. And no suit shall be instituted against any Surety of a Postmaster after the lapse of two years from the death, resignation or removal from office of such Postmaster, or from the date of the acceptance of a new bond from such Postmaster.

Accountability of Postmasters to be enforced by Postmaster General.

48. The Postmaster General may appoint the periods at which each Postmaster or person authorized to receive postage or any class or number of Postmasters or persons respectively, shall render his or their accounts,—And if any Postmaster or any such other person neglects or refuses to render his accounts, and to pay over to the Postmaster General the balance by him due at the end of every such period, the Postmaster General may cause a suit to be commenced against the person or persons so neglecting or refusing.

Penalty for delay in the rendering of accounts.

49. If any Postmaster neglects to render his accounts for one month after the time and in the form and manner prescribed by the Postmaster General's instructions and regulations, he shall forfeit double the value of the postages which have arisen at the same office in any equal portion of time previous or subsequent thereto, to be recovered by the Postmaster General in an action of debt on the bond against the Postmaster and his sureties, and for which the sureties shall be liable.

Postmasters at Cities to render accounts of emoluments under oath.

50. The Postmaster at each of the Cities of Canada and at any Town or place in Canada when required so to do by the Postmaster General, shall render Accounts to the Postmaster General, under oath, in such form as the latter shall prescribe, for the purpose of giving full effect to this section, of all emoluments or sums by them respectively received for boxes or pigeon-holes, or other receptacles for letters or papers, and by them charged for to individuals,

or for the delivery of letters or papers at or from any places in such Cities, Towns or places respectively other than the actual Post Offices of such Cities, Towns or places respectively, and of all emoluments, receipts and profits that have come to their hands by reason of keeping Branch Post Offices in such Cities respectively ;

2. [And whatever sum appears from such account to have been received by the Postmaster at any City, Town or place for such boxes and pigeon-holes, and other receptacles for letters and papers, and for delivering letters or papers at or from any place in such City other than the said Post Office, and by reason of keeping a Branch Post Office or Branch Post Offices in such City, shall be then paid to the Postmaster General as Post Office Revenue ;—And no Postmaster shall, under any pretence whatsoever, have or receive or retain for himself, any greater or other allowance or emolument of any kind, than the amount of his salary and allowances as fixed and authorized by law or by the Postmaster General.]

Sums so received to be paid over as Post Office Revenue, the Postmaster retaining only the amount of his authorized salary and allowances.

51. [Postmasters whose salaries are not fixed by Law may be paid by a percentage on the amount collected by them or by such salary, as the Postmaster General by Regulation may determine, in each case, having due regard to the duties and responsibilities assigned to each Post Office.]

Postmaster may fix such salary in certain cases.

MAIL CONTRACTS AND CONTRACTORS.

52. The Postmaster General, before entering into any contract for carrying the Mail involving an annual cost of more than two hundred dollars per annum, shall give at least six weeks previous notice by advertisement in one or more of the newspapers published in or nearest to the County or Counties where the contract is to be performed,—that such Contract is intended to be made, and of the day on which tenders for the same will be by him received.

Mail contracts for more than \$200 per an. to be awarded only after advertizing tender.

And the contracts in all cases in which there is more than one tender, shall be awarded to the lowest bidder tendering sufficient security for the faithful performance of the contract, unless the Postmaster General is satisfied that it is for the interest of the public not to accept the lowest tender :

Contract to be awarded to the lowest bidder.

2. The Postmaster General shall not be bound to consider the bid of any person who has wilfully or negligently failed to execute or perform a prior contract ; but in all cases where he does not give the Contract to the lowest bidder, he shall report his reasons therefor to the Governor General, for the information of Parliament.

If otherwise, reasons to be reported to the Governor General.

53. When in the opinion of the Postmaster General the lowest proposal received after public advertisement for the

Lowest offer not to be

excepted if deemed excessive.

performance of a Mail contract is excessive, he shall not be compelled to accept the said proposal, but may in his discretion either re-advertise the said contract for further competition, or offer to the persons from whom proposals have been received, each in his turn, beginning with the lowest, such sum as he deems an equitable and sufficient price for the said contract, and may enter into a contract with such of the said persons as will accept such offer. 5

Postmaster may be allowed to be a Contractor.

54. It shall be within the discretion of the Postmaster General to authorize and allow a Postmaster to undertake and perform a contract for the transportation of a Mail, subject to the regulations applying to all Mail contracts, when, in his opinion, the interests of the public service will be thereby promoted. 10

Every tender to be accompanied by a written guarantee to give bond.

55. Every proposal for carrying the Mail shall be accompanied by an undertaking, signed by one or more responsible persons, to the effect that he or they undertake that the bidder will, if his bid be accepted, enter into an obligation, within such time as may be prescribed by the Postmaster General, with good and sufficient sureties, to perform the service proposed : 15 20

Penalty for failure to give bond after acceptance of tender.

2. If, after the acceptance of a proposal and notification thereof to the bidder, he fails to enter into an obligation within the time prescribed by the Postmaster General, with good and sufficient sureties for the performance of the service, then the Postmaster General shall proceed to contract with some other person for the performance of the said service, and may forthwith cause the difference between the amount contained in the proposal so undertaken, and the amount for which he has contracted for the performance of the said service, for the whole period of the proposal, to be charged up against the said bidder and his surety or sureties, and the same may be immediately recovered for the use of the Post Office in an action of debt in the name of the Postmaster General against either or all of the said persons. 25 30 35

Contracts for less than \$200 per annum, to be let as the Postmaster General sees fit.

Proviso.

56. The Postmaster General may at his discretion submit contracts for Mail transportation, involving an annual expense of less than two hundred dollars, to public competition in the manner and form prescribed for contracts of a greater annual charge,—or he may direct an agent to receive tenders for and execute such contracts on his behalf,—or he may in special cases conclude such contracts by private agreement when he conceives the public interest will be promoted by such a course ;—But he shall not pay under any such contract made by private agreement, a higher rate of annual payment for the service to be performed, than is ordinarily paid for services of a like nature under contracts let by public advertisement. 40 45

- 57.** No contract for carrying the Mail shall knowingly be made by the Postmaster General with any person who has entered into any combination, or proposed to enter into any combination to prevent the making of any bid for a Mail contract by any other person, or who has made any agreement, or has given or performed or promised to give or perform any consideration whatever, or to do or not to do any thing whatever, in order to induce any other person not to bid for a Mail contract.
- 58.** The Postmaster General may contract for conveying the Mail with any Railway or Steam Boat Company either with or without advertising for such contract.
- 59.** The Postmaster General shall keep recorded, in a well bound Book, a true and faithful abstract of offers made to him for carrying the Mail, embracing as well those which are rejected as those which are accepted;—the said abstract to contain a description of each contract advertised for public competition, the dates of the offers made, the dates at which they were received by the Postmaster General, the names of the parties offering, the terms on which they propose to carry the Mail, the sum for which it is offered to contract, and the length of time the agreement is to continue;—And the Postmaster General shall also put on file and preserve the originals of the propositions of which abstracts are here directed to be made, and shall report at each session of Parliament a true copy from the said record of all offers made for carrying the Mail as aforesaid.
- 2.** No contract shall be entered into for a longer term than four years, but the Postmaster General may in special cases, when in his opinion the service has been satisfactorily performed under an expiring contract, and on conditions advantageous for the public interest, renew the same with the same contractor for a further term of not exceeding four years.
- 60.** The Postmaster General may make temporary contracts for such services until a regular letting in the form prescribed can take place.
- 61.** No additional compensation shall be made to any Mail Contractor so as to make the compensation for additional regular service exceed the exact proportion which the original compensation bears to the original service stipulated to be performed;—And no extra allowance shall be made by the Postmaster General to any Contractor, for an increase of expedition in the transportation of the Mail, unless thereby the employment of additional stock or carriers by the Contractor is rendered necessary; and in such case, the additional compensation shall never bear a greater proportion to the additional stock or carriers rendered necessary than the sum stipulated in
- Contracts not to be made with persons who have combined to keep back tenders.
- As to Contracts with Railway or Steamboat Companies.
- Abstracts of tenders to be recorded.
- Originals to be preserved.
- No contract to be for more than four years.
- Temporary contracts.
- Additional compensation limited.

the original contract bears to the stock and carriers necessarily employed in its execution.

Her Majesty's
Mail to be
carried on
Railways on
certain terms
and conditions.

62. Her Majesty's Mail and persons travelling therewith on Postal service, shall at all times when thereunto required by the Postmaster General, be carried on any and every Railway made or to be made in Canada, and with the whole resources of the Railway Company if required, on such terms and conditions and under such Regulations as the Governor General in Council makes. 5

POST OFFICE SAVINGS BANKS.

Postmaster
General may
establish Post
Office Savings
Banks.

63. To enlarge the Facilities now available for the Deposit of small Savings, and to make the Post Office available for that Purpose, and to give the direct Security of the Dominion to every Depositor for Repayment of all Moneys deposited by him, [together with the Interest due thereon] : the Postmaster General may, with the consent of the Board of Treasury, establish a system of Post Office Savings Banks, in connexion with a central Savings Bank established as a branch of the Post Office Department at the seat of Government. 10 15

Postmasters to
receive and
repay deposits.

64. The Postmaster General may, with the Consent of the Board of Treasury, authorize and direct such Postmaster as he shall think fit, to receive Deposits for Remittance to the Central Office, and to repay the same, under such Regulations as he, with the concurrence of the Board of Treasury, may prescribe in that respect. 20

Deposits to be
entered in De-
positor's Book
and entry to
be attested.

65. Every Deposit received by any Postmaster appointed for that Purpose shall be entered by him at the Time in the Depositor's Book, and the Entry shall be attested by him and by the dated Stamp of his Office, and the Amount of such Deposit shall upon the Day of such Receipt be reported by such Postmaster to the Postmaster General, and the Acknowledgment of the Postmaster General, signified by the Officer whom he shall appoint for the purpose, shall be forthwith transmitted to the Depositor, and the said acknowledgment shall be conclusive Evidence of his Claim to the Repayment thereof, with the Interest thereon, upon Demand made by him on the Postmaster General ; and, in order to allow a reasonable Time for the Receipt of the said Acknowledgment, the Entry by the proper Officer in the Depositor's Book shall also be conclusive Evidence of the Title for Ten days from the Lodgment of the Deposit ; and if the said Acknowledgment shall not have been received by the Depositor through the Post within Ten Days, and he shall, before or upon the Expiry thereof, demand the said Acknowledgment from the Postmaster General, then the Entry in his Book shall be conclusive Evidence of Title during another Term of Ten Days, and *toties quoties* : Provided always, that such Deposits shall not be of less Amount than 25 30 35 40 40

Acknowledge-
ment of de-
posit by Post-
master Gene-
ral to be
transmitted
to depositor
within ten
days.

Proviso.

One Dollar, nor of any Sum not a Multiple thereof, and that no sum of money deposited under this Act, shall at any time be liable to demand, seizure, or detention, under legal process against the depositor thereof.

5 **66.** On Demand of the Depositor or Party legally authorized to claim on account of a Depositor, made in such Form as shall be prescribed in that Behalf, for Repayment of any Deposit, or any Part thereof, the Authority of the Postmaster General for such Repayment shall be transmitted to the Depositor forthwith, and the Depositor shall be entitled to Repayment of any Sum or Sums that may be due to him with the least possible delay after his Demand shall be made at any Post Office where Deposits are received or paid.

Deposit to be repaid to depositor on demand with the least possible delay.

15 **67.** The Postmasters or other Officers of the Post Office engaged in the Receipt or Payment of Deposits shall not disclose the Name of any Depositor nor the Amount deposited or withdrawn, except to the Postmaster General, or to such of his Officers as may be appointed to assist in carrying into operation the provisions of this Act in relation to Post Office Savings Banks.

Name of Depositor or amount deposited or withdrawn not to be disclosed by officers.

25 **68.** [All Moneys so deposited with the Postmaster General shall forthwith be paid over to the Receiver General of Canada and shall be credited to an Account called "Post Office Savings Bank Account"; and all Sums withdrawn by Depositors, or by Parties legally authorized to claim on account of Depositors, shall be repaid to them by the Receiver General, through the Office of Her Majesty's Postmaster General and charged to such account.]

Money deposited to be paid over to Receiver General, and sums withdrawn to be repaid by him.

30 **69.** [The Interest payable to the Parties making such Deposits shall be at the Rate of Four Dollars *per Centum per Annum*, but such Interest shall not be calculated on any Amount less than Three Dollars or some Multiple thereof, and not commence until the First Day of the Calendar Month next following the Day of Deposit, and shall cease on the First Day of the Calendar Month in which such Deposit is withdrawn.]

Interest on all deposits to be payable for each whole Calendar month, at 4 per cent per annum.

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

Interest to be added to principal on 30th June yearly.

40 **71.** With the consent of the Board of Treasury, the Postmaster General may whenever it may be deemed expedient, issue certificates of deposit in sums of not less than one hundred dollars, [and bearing interest at the rate of not exceeding five per cent per annum,] to depositors who having like sums at the credit of their ordinary deposit accounts, may desire to transfer such sums from such ordinary deposit accounts, to a special deposit account represented by such certificates, [and bearing the rate of interest specified thereon]—and such cer-

Certificates of deposit, bearing interest at five per cent, may be issued.

tificate shall not be transferable, but shall be evidence of the depositors claim upon such special deposit account to the amount expressed in such certificates [with the interest due thereon], and shall be redeemable upon such previous notice as may be expressed thereon, and in all respects subject to such regulations as the Postmaster General, with the consent of the Board of Treasury, may make. 5

Post Office Savings Bank Regulations may be made by Postmaster General.

72. Except as may be herein otherwise specially provided the Postmaster General may make, and from Time to Time, as he shall see occasion, alter, regulations for superintending, inspecting, and regulating the mode of keeping and examining the accounts of depositors, and with respect to the making of deposits and to the withdrawal of deposits [and interest], and all other matters incidental to the carrying the provisions of this Act in relation to Post Office Savings Banks into execution, by him, and all regulations so made shall be binding on the parties interested in the subject matter thereof to the same extent as if such regulations formed part of this Act and as respects evidence of such regulations and publication thereof, the provisions in these respects of the tenth section of this Act shall apply; and copies of all regulations issued under the authority of this Act, in relation to Post Office Savings Banks, shall be laid before both Houses of Parliament within fourteen days from the date thereof, if Parliament shall be then sitting, and if not then within fourteen days from the next re-assembling of Parliament. 10 15 20 25

Monthly return of receipts and payments to be published in Canada Gazette.

73. As soon as possible after the end of each month, the Postmaster General shall make a return to the Auditor of Public Accounts of all monies received and paid during the preceding month, and of the total amount in deposit at the end of each month, and the auditor shall cause such monthly statement to be inserted in the *Canada Gazette*. 30

Monthly excess of cash balance over \$500,000, to be invested in Govt. Debentures.

74. Whenever the cash balance at the credit of the Post Office Saving's Bank account at the end of any month, shall exceed *five hundred* thousand dollars; it shall be the duty of the Auditor of Public Accounts to report such excess to the Minister of Finance, who shall, with the consent of the Board of Treasury, from time to time invest the amount of such excess in Government Debentures already issued by the Dominion, or by the Governments of either of the late Provinces of Canada, New Brunswick or Nova Scotia, and which shall then be held in reserve by the Receiver General on account of the Post Office Savings Banks, and shall be available for repayment of deposits [and of the interest due thereon], should the current Savings Bank moneys not be sufficient at any time for that purpose. 35 40 45

Annual account and statement to be laid before Parliament.

75. An annual account of all deposits received and paid under the authority of this Act, and of the expenses incurred during the year ended the thirtieth of June, together with a

statement of the total amount due at the close of the year to all depositors, shall be laid by the Postmaster General before both Houses of Parliament within ten days after the commencement of the next following session thereof.

- 5 **76.** [All expenses incurred in maintaining the Post Office Saving's Bank system shall be paid out of the moneys received under the provisions of this Act relating to such Savings Bank and the Receiver General shall credit to the Post Office Savings Bank account, interest at the rate of five per cent per annum on the uninvested balance from time to time at the credit of the said account, and also the interest accruing upon the Debentures in which surplus Post Office Savings Bank funds may have been invested as above provided for, and shall charge the said account with all moneys and interest paid to depositors and with all expenses incurred in maintaining the Post Office Savings Bank system, and the balance of profit, if any, shall form part of the Consolidated Revenue—and in like manner the balance of loss, if any, shall be made good from the Consolidated Fund; and a Statement shewing the result in each year ended thirtieth June, and the amount of profit or loss, as the case may be, shall be laid by the Receiver General before both Houses of Parliament within ten days after the commencement of the next following session thereof.]

Receiver General to credit Post Office Savings Bank account with accrued interest on invested surplus and interest at five per cent on invested balance and debit it with expenses.—Profit to form part of, or loss to be made good from Consolidated Revenue.

POSTMASTER GENERAL'S REPORTS.

- 25 **77.** The Postmaster General shall make to the Governor General, annually, so that they may be laid before Parliament within ten days after the meeting thereof in each Session, the following Reports, which shall be made up to the thirtieth day of June then last, that is to say :
- 30 *First.* A Report of the finances, receipts and expenditure of the Post Office of Canada for the year ended on the thirtieth day of June previous, in the form of a General Account Current, shewing on the one side the whole amount of balances due to the Department from Postmasters or others at the time up to which the then last report was made, the whole amount of Postage that accrued within the year elapsed since such last report, and any and every other item of revenue or receipt;—and on the other side of the Account, the charges and expenditures incurred by the Department within the said
- 40 year, of every kind and nature, shewing in separate amounts the charges for Mail transportation, for salaries and commission and allowances to Postmasters, for printing and advertising, and for incidental and miscellaneous items of expenditure, shewing also the balance remaining due from Postmasters and
- 45 others at the close of such year;—and shewing in the shape of a Balance what the result of the operations of the Department is for the said year, whether to produce a surplus of revenue in

Annual Report to Parliament.

General Account current.

excess of expenditure, or to cause the expenditure to exceed the revenue, and in either case, to what amount.

- Payments, &c., in detail.** *Second.* A Report shewing in detail all payments made and charges incurred for Mail transportation during the said year, stating in each case the name of the contractor or party receiving payment, the Mail Route, the mode and frequency of transportation, and the sums paid ; 5
- Salaries &c., in detail.** *Third.* A Report in detail of all charges for salaries, commissions and allowances, shewing in each case the name of the person, the service or duty performed, and the amount paid ; 10
- Expenditure in detail.** *Fourth.* A Report in detail of the expenditure of the Department within the said year for printing and advertising, and for all incidental and miscellaneous items of disbursement, shewing the sum paid under each head of expenditure, and the names of the persons to whom paid ; 15
- Mail Contracts** *Fifth.* A Report of all contracts made for the transportation of the Mail within the year ending on the thirtieth day of June next preceding such report, stating in each case of contract its date and intended duration, the name of the Contractor, the routes embraced in the contract, with the length of each, with the times of arrival and departure at the ends of each route, the mode of transportation contracted for, and the price stipulated to be paid by the Department ; 20
- Allowances to contractors.** *Sixth.* A Report of all allowances made to Contractors within the said year, beyond the sums originally stipulated in their respective contracts, and the reasons for the same, and of all orders made by the Department whereby additional expense is or will be incurred beyond the original contract price on any land or water route,—specifying in each case the route to which the order relates, the name of the contractor, the original service provided by the contract, the original price, the date of the order for additional service, the additional service required, and the additional allowance therefor,—also a Report of all curtailments of expenses effected by the Department within the said year, specifying in each case the same particulars, as required in cases of additional allowances ; 35
- Curtailments of expenses.**
- Fines imposed on Contractors:** *Seventh.* A Report of all fines imposed and deductions from the pay of Contractors made during the said year, for failures to deliver the Mail or for any other cause, stating the names of the delinquent Contractors, the nature of the delinquency, the route on which it occurred, the time when the fine was imposed, and whether the fine has been remitted, or order for deduction rescinded, and for what reason ; 40
- New Offices & Post Routes.** *Eighth.* A Report of the new Offices and Post Routes established, and of the Offices and Post Routes discontinued or 45

closed within the said year, shewing in the case of each Office and Post Route discontinued or closed, the reason for the proceeding ;

5 *Ninth.* A Report of all cases occurring within the said year of the abstraction or loss of letters containing money sent through the Post, shewing the particulars of each case, and stating the result of the proceedings instituted therein by the Department ;

Cases of loss or abstraction of money letters.

10 *Tenth.* A Report of the Money-Order Offices in operation at any time within the said year, designating in each case the county wherein the Office is situate, the number and amount of Orders issued and paid, and the amount of commission arising thereupon at each Office respectively,—distinguishing, with respect to the Commission, the proportion allowed as

15 compensation to the Postmaster, and the proportion accruing to the Revenue in each case ;

Money Order Offices.

20 *Eleventh.* The cost of the Money-Order system for the year to which the report relates, specifying in detail the disbursements for salaries, advertising, account books, printing, stationery and every other item of expenditure ;

Cost of Money Order System.

Twelfth. The names of the additional Money-Order Offices opened, and of such Money-Order Offices as have been closed within the said year ;

Money Order offices opened or closed.

25 *Thirteenth.* The losses, if any, sustained in conducting the Money-Order system, and how incurred ;

Losses under Money Order System.

Fourteenth. Report of all offers made for carrying the Mails upon contracts advertised during the year ;

Tenders for contracts.

Fifteenth. Statement of Dead Letters received during the year, and of their contents, valuable or otherwise.

Dead Letters.

30 *Sixteenth.* Statement of Post Office Savings Bank transactions during the said year and of the total amount due at the close of the same to all depositors.

Post Office Savings Bank transactions.

OFFENCES AND PENALTIES.

35 **78.** To steal, embezzle, secrete or destroy any Post Letter shall be felony, punishable in the discretion of the Court by imprisonment in the Penitentiary, for not less than three nor more than five years ; unless such Post Letter contains any chattel, money or valuable security, in which case the offence shall be punishable by imprisonment in the said Penitentiary for life ; or for a period not less than five years.

40 **2.** To steal from or out of a Post Letter any chattel, money or valuable security, shall be felony, punishable by imprison-

Stealing from a Post Letter.

ment in the Penitentiary for life ; or for a period not less than five years.

Stealing a
Post Letter
or Post Letter
Bag.

3. To steal a Post Letter Bag, or a Post Letter from a Post Letter Bag, or a Post Letter from any Post Office, or from any officer or person employed in the Canada Post Office, or from a Mail,—or to stop a Mail with intent to rob or search the same,—shall be felony punishable by imprisonment in the said Penitentiary for life ; or for a period not less than five years. 5

Opening a
Post Letter
Bag.

4. To open unlawfully any Post Letter Bag,—or unlawfully to take any letter out of such bag,—shall be felony punishable by imprisonment in the said Penitentiary for five years ; 10

Stealing parcel
or its contents.

5. To steal, embezzle or secrete any Parcel sent by Parcel Post or any article contained in any such Parcel, shall be felony punishable by imprisonment in the Penitentiary for a period of not less than three years ; 15

Receiving
stolen Post
Letter or Post
Letter Bag,
&c.

6. To receive any Post Letter, or Post Letter Bag, or any chattel, money or valuable security, parcel or other thing the stealing, taking, secreting or embezzling whereof is hereby made felony, knowing the same to have been feloniously stolen, taken, secreted or embezzled, shall be felony, punishable by imprisonment in the said Penitentiary for any term not less than five years,—and the offender may be indicted and convicted either as an accessory after the fact or for a substantive felony, and in the latter case whether the principal felon hath or hath not been previously convicted, or is or is not amenable to justice ;—And however such receiver be convicted, the offence shall be punishable as aforesaid ; 20 25

Unlawfully
issuing Money
Order.

7. To unlawfully issue any money order with a fraudulent intent, shall be felony punishable by imprisonment in the Penitentiary for a period of not less than three years ; 30

Forging any
Postage
Stamp, &c.

8. To forge, counterfeit or imitate any Postage Stamp issued or used under the authority of this Act, or by or under the authority of the Government or proper authority of the United Kingdom, or of any British North American Province, or of any Foreign Country,—or knowingly to use any such forged, counterfeit or imitated stamp,—or to engrave, cut, sink or make any plate, die or other thing whereby to forge, counterfeit or imitate such stamp or any part or portion thereof,—or to have possession of any such plate, die or other thing as aforesaid, except by the permission in writing of the Postmaster General, or of some Officer or person who, under regulations made in that behalf, may lawfully grant such permission,—or to forge, counterfeit or unlawfully imitate, use or affix, to or upon any letter or packet, any stamp, signature, initials or other mark or sign purporting that such letter or packet ought to pass free of postage, or at a lower rate of postage, or that the postage 35 40 45

thereon or any part thereof hath been prepaid or ought to be paid by or charged to any person, department or party whomsoever,—shall be felony, punishable by imprisonment in the Penitentiary for life, or for a period not less than five years, and to such felony, all the provisions of any *Act respecting Forgery*, shall apply as if such offence were made felony under that Act, in so far as the provisions thereof are not inconsistent with this Act, and the accessories to any such offence shall be punishable accordingly;

10 9. To forge, counterfeit or imitate any Post Office Money Order, or advice of such Money Order, or Post Office Saving's Bank Depositor's Book, or authority of the Post Master General for repayment of a Post Office Saving's Bank deposit or of any part thereof,—or any signature or writing in or upon
15 any Post Office Money Order, Money Order advice, Post Office Saving's Bank Depositors Book, or authority of Post Master General, for repayment of a Post Office Saving's Bank deposit or of any part thereof, with intend to defraud, shall be a felony punishable by imprisonment in the Penitentiary for any term
20 not less than two years and not exceeding seven years, and the accessories to any such offence shall be punishable accordingly;

Forging Money
Order or
Depositor's
Book, &c.

10. If any person steals, purloins, embezzles, or obtains by any false pretence, or aid or assists in stealing, purloining,
25 embezzling or obtaining by any false pretence, or knowingly or unlawfully makes, forges or counterfeits, or causes to be unlawfully made, forged or counterfeited, or knowingly aids or assists in falsely and unlawfully making, forging or counterfeiting any key suited to any lock adopted for use by the
30 Post Office Department, and in use on any Canada Mail or or Mail-bag, or has in his possession any such Mail-key or any such Mail-lock, with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold or otherwise
35 disposed of,—such person shall, on conviction, be deemed guilty of felony, and shall be punished by imprisonment in the Provincial Penitentiary for a period not exceeding seven years;

Stealing &c.,
Mail-key or
Mail-lock.

11. To open unlawfully, or wilfully to keep, secrete, delay or detain, or procure or suffer to be unlawfully opened, kept,
40 secreted or detained, any Post Letter Bag, or any Post Letter,—whether the same came into the possession of the offender by finding or otherwise howsoever,—or, after payment or tender of the postage thereon, (if payable to the party having possession of the same) to neglect or refuse to deliver up any Post Letter
45 to the person to whom it is addressed or who is legally entitled to receive the same,—shall be a misdemeanor;

Unlawfully
opening, &c.,
Post Letter
Bag or Post
Letter.

12. To steal or for any purpose to embezzle, or secrete, any printed vote or proceeding, newspaper, printed paper, or book,

Stealing &c.,
certain other

mailable
matter.

packet or package of patterns and samples of merchandize and goods, or of seeds, cuttings, bulbs, roots and scions or grafts sent by mail, shall be a misdemeanor ;

Wilfully des-
troying matter
sent by mail or
Parcel Post.

13. Wilfully and maliciously to destroy, damage, detain or delay any Parcel sent by Parcel Post, any packet or package of patterns and samples of merchandize and goods, or of seeds, cuttings, bulbs, roots and scions or grafts, or any printed vote or proceeding, newspaper, printed paper or book or other mailable matter, not being a post letter, sent by mail, shall be a misdemeanor ;

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Enclosing
explosive
substance in
matter sent by
Post.

14. To enclose in or with any letter, packet or other mailable matter sent by Post, or to put into any Post Office any explosive, dangerous or destructive substance or liquid or any matter or thing likely to injure any letter or other mailable matter or the person of any officer or servant of the Post Office shall be a misdemeanor, unless such offence is or shall be by law constituted a crime of greater magnitude ;

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Enclosing a
letter in any
other mailable
matter.

15. To enclose a letter or letters or any writing intended to serve the purpose of a letter, in a Parcel posted for the Parcel Post, or in a packet of Samples or Patterns posted to pass at the rate of postage applicable to Samples and Patterns, or to inclose a letter or any writing to serve the purpose of a letter, or to inclose any other thing, in a Newspaper posted to pass as a Newspaper at the rate of postage applicable to Newspapers (except in the case of the accounts and receipts of Newspaper Publishers which are permitted to pass folded within the Newspapers sent by them to their subscribers) or to enclose a letter or any writing intended to serve the purpose of a letter in any mail matter sent by Post not being a letter, shall in each case be an offence punishable by a penalty of not less than ten and not exceeding forty dollars in each case ;

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Removing
postage stamp
or mark there-
on with frau-
dulent intent.

16. To remove with fraudulent intent from any letter, newspaper or other mailable matter, sent by Post, any postage stamp which shall have been affixed thereon, or wilfully with intent aforesaid remove from any postage stamp which shall have been previously used, any mark which shall have been made thereon at any Post Office, shall be a misdemeanor ;

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Obstructing
Mail, &c.,

17. To obstruct or wilfully delay the passing or progress of any Mail or of any carriage or vessel, horse, animal or carriage employed in conveying any Mail, on any public highway, river, canal or water communication, shall be a misdemeanor ;

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Cutting, &c.,
Post Letter
Bag.

18. To cut, tear, rip or wilfully to damage or destroy any Post Letter Bag, shall be a misdemeanor ;

Being drunk
on duty as a
Mail Carrier,
&c.,

19. It shall be a misdemeanor for any Mail Carrier or any person employed to convey any Mail, Post Letter Bag, or Post

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- Letters, to be guilty of any act of drunkenness, negligence or misconduct whereby the safety or punctual delivery of such Mail, Post Letter Bag, or Post Letters might be endangered,—or contrary to this Act or any Regulation made under it, to collect, receive or deliver any letter, or other mailable matter— or to neglect to use due care and diligence to convey any Mail Post Letter Bag, or Post Letter, at the rate of speed appointed therefor by the Regulations then in force or the contract under which he acts ;
- 10 20. It shall be a misdemeanor for any Toll-gate Keeper to refuse or neglect forthwith upon demand to allow any Mail or any carriage, horse or animal employed in conveying the same to pass through such Toll-gate, whether on pretence of the non-payment of any Toll or other pretence whatsoever ; Refusing to allow Mail to pass through Toll-Gate.
- 15 21. It shall be a misdemeanor for any ferryman wilfully to detain or delay or refuse to convey over, a mail at his ferry ; Detaining, &c., Mail at Ferry.
22. Any wilful contravention of any Regulation lawfully made under this Act, shall be a misdemeanor, if declared to be so by such regulation ; Wilfully contravening regulations.
- 20 23. To solicit or endeavour to procure any person to commit any act hereby made or declared a felony or misdemeanor, shall be a misdemeanor ; Soliciting the commission of any such felony or misdemeanor.
24. And every such offence declared to be a misdemeanor by this Act shall be punishable by fine or imprisonment or both in the discretion of the Court before whom the offender is convicted ; Punishment for misdemeanor.
- 25 25. Every principal in the second degree and every accessory before or after the fact to any such felony as aforesaid, shall be guilty of felony, and punishable as the principal in the first degree ;—And every person who aids, abets, counsels or procures the commission of any such misdemeanor as aforesaid, shall be guilty of a misdemeanor and punishable as a principal offender ;
- 30 26. Any imprisonment awarded under this Act shall be in the Penitentiary of that part of the Dominion in which the conviction shall take place, if for a term of or exceeding two years ;—and if the imprisonment awarded be for a less term, it may be with or without hard labour in the discretion of the Court awarding it. Imprisonment if for two years to be in Penitentiary.
- 40 79. If any Officer of or connected with the Post Office converts to his own use in any way whatever, or uses by way of investment in any kind of property or merchandize, or loans with or without interest, any portion of the public moneys entrusted to him for safe keeping, transfer, disburse- Embezzlement by an officer of or connected with the Post Office to be felony.

Penalty for
advising, &c.,
such embez-
zlement.

ment, or for any other purpose,—every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as are thus taken, converted, invested, used or loaned, which is hereby declared to be a felony,—And the neglect or refusal to pay over any public moneys in his hands, or to transfer or disburse any such moneys promptly, on the requirement of the Postmaster General, shall be *prima facie* evidence of such conversion to his own use of so much of the public moneys as are in the hands of such officer ;—And all persons advising or knowingly and willingly participating in such embezzlement, upon being convicted thereof before any Court of competent jurisdiction, shall for every such offence forfeit and pay to Her Majesty, Her Heirs or Successors, a fine equal to the amount of the money embezzled, and shall suffer imprisonment for a term not less than three months, and not more than seven years.

None but
Postmasters to
sell postage
stamps with-
out license
Penalty \$40.

80. It shall not be lawful for any person other than a Postmaster to exercise the business of selling Postage Stamps or Stamped envelopes to the Public unless duly licensed so to do by the Postmaster General and under such conditions as he may prescribe ; and any person who shall violate this provision by selling Postage Stamps or Stamped envelopes to the Public without a license from the Postmaster General, shall on conviction before a Justice of the Peace, incur a penalty of not exceeding forty dollars for each offence.

Wilfully inju-
ring, &c. Street
Letter Box, &c.

81. If any person wilfully or maliciously injures or destroys any Street Letter Box, Pillar Box or other receptacle established by authority of the Postmaster General for the deposit of letters or other mailable matter, such person shall, on conviction, be deemed guilty of a misdemeanour punishable by fine or imprisonment or both in the discretion of the Court before which the offender is convicted, and every person who aids, abets, counsels or procures the commission of this offence shall be guilty of a misdemeanour and be indictable and punishable as a principal offender.

Penalty for
using postage
stamp used be-
fore.

82. If any person uses or attempts to use in prepayment of postage on any letter or mailable matter posted in this Province, any postage stamp which has been before used for a like purpose, such person shall be subject to a penalty of not less Ten and not exceeding Forty dollars for every such offence, and the letter or other mailable matter on which such stamp has been so improperly used may be detained, or in the discretion of the Postmaster General forwarded to its destination charged with double postage.

Penalty for pla-
cing the words
"Post Office,"
on house, &c.,
without autho-
rity.

83. If any person without the authority of the Postmaster General, the proof of which authority shall rest on such person, shall place or permit or cause to be placed or to remain, on his house or premises, the words *Post Office* or any other words or

mark which may imply or give reasonable cause to believe that such house or premises is or are a Post Office or a place for the receipt of letters, he shall on conviction before a Justice of the Peace incur a penalty of not exceeding ten dollars for 5 each offence.

PROCEDURE, CRIMINAL AND CIVIL.

84. Any indictable offence against this Act may be dealt with, indicted and tried and punished, and laid and charged to have been committed either in the district or county or place where the offence is committed, or in that in which 10 the offender is apprehended or is in custody, as if actually committed therein ;

Venue, &c., in cases of indictable offences against this Act.

2. And where the offence is committed in or upon, or in respect of a Mail, or upon a person engaged in the conveyance or delivery of a Post letter bag, or Post letter, or chattel or 15 money or valuable security sent by Post, such offence may be dealt with and inquired of, tried and punished and charged to have been committed as well within the district, county or place in which the offender is apprehended or is in custody, as in any district, county or place through any part whereor 20 such Mail, person, post letter bag, post letter, chattel, money of valuable security, passed in the course of conveyance and delivery by the Post, in the same manner as if it had been actually committed in such district, county or place ;

Venue, &c., in cases of offences committed in respect of Mails, &c., in transit.

3. And in all cases where the side or centre or other part of 25 a highway, or the side bank, centre or other part of a river or canal, or navigable water, constitutes the boundary between two districts, counties or places, then to pass along the same, shall be held to be passing through both ;

As to roads, &c., forming boundaries.

4. And every accessory before or after the fact, if the offence 30 be felony,—and every person aiding or abetting or counselling or procuring the commission of any offence if the same be a misdemeanor,—may be dealt with, indicted, tried and punished as if he were a principal, and his offence may be laid and charged to have been committed in any district, county or 35 place, where the principal offence might be tried.

Accessories and abettors and their offences may be dealt with, and laid and charged in like manner as principals and their offences.

85. In every case where an offence is committed in respect of a Post letter bag, or a Post letter, or other mailable matter chattel, money or a valuable security, sent by Post, in the indictment to be preferred against the offender, the property of such 40 Post letter bag, Post letter, or other mailable matter, chattel, money or valuable security, sent by Post, may be laid in the Postmaster General ;—And it shall not be necessary to allege in the indictment or to prove upon the trial or otherwise, that the Post Letter Bag, Post letter, or other mailable matter, 45 chattel or valuable security was of any value :

Property of any mailable matter sent by post, may be laid in the Postmaster General.

Value need not be alleged or proved.

Property of other things and of postage money to be laid in Her Majesty. 2. But except in the cases aforesaid, the property of any chattel or thing used or employed in the service of the Post Office or of moneys arising from duties of postage, shall be laid in Her Majesty, if the same be the property of Her Majesty, or if the loss thereof would be borne by the Dominion and not by any party in his private capacity ; 5

General allegation of employment of accused in the Post Office of Canada, sufficient. 3. And in any indictment against any person employed in the Post Office of Canada, for any offence against this Act, or in any indictment against any person for an offence committed in respect of some person so employed, it shall be sufficient to allege that such offender or such other person as aforesaid, was employed in the Post Office of Canada, at the time of the commission of such offence, without stating further the nature or particulars of his employment. 10

Postmaster General may compromise any action, &c. §6. The Postmaster General, (subject always to the orders of the Governor General,) may compromise and compound any action, suit or information at any time commenced by his authority or under his control, against any person for recovering any pecuniary penalty incurred under this Act, on such terms and conditions as he in his discretion thinks proper, with full power to him or any of the officers and persons acting under his orders to accept the penalty so incurred or alleged to be incurred, or any part thereof, without action, suit or information brought or commenced for the recovery thereof. 15 20

Penalties to be recoverable with costs, by the Postmaster General, and to belong to the Crown. §7. All mere pecuniary penalties imposed by this Act or by any Regulation of the Postmaster General to be made under it, shall be recoverable with costs by the Postmaster General, by civil action in any Court having jurisdiction to the amount, and shall belong to the Crown, saving always the power of the Governor in Council to allow any part or the whole of such penalty to the Officer or party by whose information or intervention the same has been recovered, as in the case of penalties recovered under other laws relating to the collection of the Revenue ;—But all such penalties shall be sued for within one year after they are incurred, and not afterwards : 25 30 35

Limitation of actions for penalties. 2. Provided that if the penalty do not exceed forty dollars, it may be recovered before any one Justice of the Peace in a summary manner, and if not paid, may be levied by distress under warrant of such Justice ;—And if the penalty exceeds forty dollars, the offender may be indicted for a misdemeanor in contravening the provisions of this Act or of the regulations made under it, (instead of being sued for such penalty) and if convicted, shall be punishable by fine or imprisonment, or both, in the discretion of the Court. 40

Penalty of \$40 or under, recoverable before one Justice of the Peace. If penalty exceed \$40, offender may be indicted for a misdemeanor instead.

Penalties recoverable on oath of one witness, —who may be §8. In any action or proceeding for the recovery of postage, or of any penalty under this Act, the same may be recovered on the evidence of any one credible witness, and any 45

Postmaster or other officer or servant of the Post Office of Canada, shall be a competent witness, although he is entitled to or entertains reasonable expectation of receiving some portion or the whole of the sum to be recovered; and the *onus* of shewing that any thing proved to have been done by the defendant was done in conformity to or without contravention of this Act, shall lie upon the defendant.

a Postmaster or other officer, &c., of the Post Office.

89. In any action, suit or proceeding against any Postmaster or other officer of the Post Office of Canada, or his sureties, for the recovery of any sum of money alleged to be due to the Crown as the balance remaining unpaid of moneys received by such Postmaster or officer by virtue of his office, a statement of the account of such Postmaster or officer shewing such balance, and attested as correct by the certificate and signature of the Accountant of the Post Office of Canada, or of the officer then doing the duties of such Accountant, shall be evidence that such amount is so due and unpaid as aforesaid;—And in every such suit it shall be lawful to demand and the judgment shall be rendered for double the amount proved by such account to be so due to the Crown by the defendant, but nothing herein contained shall be construed to prevent the provisions of any *Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants* from applying to such Postmaster or officer.

In action against Postmaster or other officer of the Post or his sureties, amount due may be proved by statement of account attested by accountant of the Post Office.

90. All suits, proceedings, contracts and official acts to be brought, had, entered into or done by the Postmaster General, shall be so in and by his name of office, and may be continued, enforced and completed by his successor in office as fully and effectually as by himself;—nor shall the appointment or authority of any Postmaster General of Canada, or of any Postmaster, officer or servant of the Post Office of Canada, be liable to be traversed or called in question, in any case, except only by those who act for the Crown:

Suits &c., by the Postmaster General to be brought in his name of office and may be continued, &c., by his successor.

2. And all suits to be commenced for the recovery of debts or balances due to the Post Office, whether they appear by bond or obligation made in the name of the existing or any preceding Postmaster General, or otherwise, shall be instituted in the name of "The Postmaster General."

Suits for debts, &c., to be in the name of "The Postmaster General."

PROTECTION OF OFFICERS.

91. All enactments of any *Act respecting Duties of Customs and the Collection thereof*, and more especially of the provisions for protecting officers and others employed in collecting duties or in preventing the evasion of the laws imposing duties, when in the performance of the duties of their office, or in respect of suits or proceedings against them for things done or alleged to be done in pursuance of any law, shall extend and apply in like

Certain provisions of Customs Duties Acts to extend to officers of the Post Office.

manner to officers and persons employed in or under the Post Office of Canada, and to suits or proceedings against them for things done or alleged to be done under this Act.

Commence-
ment of Act.

92. This Act shall come into operation on the first April, one thousand eight hundred and sixty-eight.

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1st Session, 1st Parliament, 31 Victoria, 1867.

A.

BILL.

An Act for the regulation of the Postal
Service.

Received and read first time, Wednesday, 13th
November, 1867.

Second reading, Wednesday, 20th November,
1867.

Hon. Mr. CAMPBELL.

BILL.

An Act for the Organization of the Department of Marine and Fisheries of Canada.

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

1. There shall be at the seat of Government of Canada, a Public Department to be called the Department of Marine and Fisheries, and the Governor General in Council may appoint, by Commission under the Great Seal of Canada, a fit and proper person to manage and direct the said Department, who shall be styled the Minister of Marine and Fisheries, and who shall hold Office during pleasure.

2. The Governor General may appoint an officer to be called the Secretary of the Minister of Marine and Fisheries, and such other officers as may be necessary for the proper conduct of the business of the said Department, as well at the seat of Government as in other portions of Canada, and may at his pleasure remove them or either of them, and appoint others in their stead.

3. The Secretary of the Minister of Marine and Fisheries shall have authority (subject always to the Minister of Marine and Fisheries and his directions), to oversee and direct the other officers and servants of the Department; he shall have the general control of the business of the Department, and in the absence of the Minister, and during such absence may suspend from his duties any officer or servant of the Department who refuses or neglects to obey his directions as such Secretary, but such power of suspension shall be exercised by the Minister alone when present.

4. During the illness or absence of the Secretary, the Minister may appoint another officer temporarily to discharge the duties of such Secretary, who shall for the time be vested with all the powers, and charged with the duties of the said Secretary.

5. The duties, powers and functions of the said Department shall extend and apply to the subjects and Boards and other public bodies, officers and other persons, services and properties of the Crown enumerated in the Schedule to this Act, of which the said Department shall have the control, regulation, management and supervision, so far as the same may be or might be or have been had or exercised by any Public Department under and in accordance with the provisions of Acts of the Parliament of the United Kingdom, or of any Provincial Parliament or Legislature now in force in Canada in relation to such

subjects, Boards and other public bodies, officers and other persons, services and properties of the Crown, or any of them, or without violating the provisions of any such Act or Acts, save and except such as may vest any such control, regulation, management or supervision in any other Public Department.

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SCHEDULE.

The administration of any Laws made or to be made relating to the following subjects :—

1. Sea, Coast and Inland Fisheries, and the management, regulation and protection thereof, and anything relating thereto.
2. Trinity Houses and Trinity Boards, Pilots and Pilotage, and 10
Decayed Pilots' Funds.
3. Beacons, Buoys, Lights and Light-Houses and their construction and maintenance.
4. Harbors, Ports, Piers and Wharves, Steamers and Vessels 15
belonging to the Government of Canada.
5. Harbor Commissioners and Harbor Masters.
6. Classification of Vessels, and examination and granting of Certificates of Masters and Mates, and others in the Merchant service.
7. Shipping Masters and Shipping Offices.
8. Inspection of Steamboats and Boards of Steamboat Inspection. 20
9. Enquiries into causes of Shipwrecks.
10. Establishment, regulation and maintenance of Marine and Seamen Hospitals and care of distressed seamen, and generally such matters as refer to the Marine and navigation of Canada.

B

BILL.

An Act respecting the Department of
Marine and Fisheries of Canada.

*(Re-printed by order of the Senate, as
amended in Committee of the Whole.)*

Hen. Mr. MITCHELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY.

BILL.

An Act to incorporate the Dominion Life Insurance Association.

WHEREAS, the practice of Life Insurance has been found to be of Preamble.
 great service in enabling persons to provide, from their yearly
 income, for the support of their families in the event of their decease,
 and the establishment of Life Insurance Companies in the Dominion
 5 will conduce to the more general diffusion of such a practice, and the
 encouragement of habits of prudence; and by means of local invest-
 ments of their accumulations the expense of Life Insurance will be
 reduced, and the prosperity of the Dominion promoted by retaining
 therein large sums of money annually sent to other countries as
 10 premiums for such Insurances; And whereas the persons hereinafter
 mentioned have, by their petition, prayed to be incorporated under the
 name of the Dominion Life Insurance Association, and it is expedient
 to grant their prayer; Therefore, Her Majesty, by and with the advice
 and consent of the Senate and House of Commons of Canada, enacts
 15 as follows:

1. The Honorable Samuel L. Tilley, C.B., the Honorable William Certain per-
sons incorpo-
rated.
 McDougall, C.B., the Honorable Edward Kenny, the Honorable
 Peter Mitchell, the Honorable John W. Ritchie, the Honorable
 George Irvine, J. B. Lewis, Esquire, the Honorable Donald
 20 McDonald, the Honorable John Joseph Caldwell Abbott, Alexander
 Harvey, Andrew T. Wood, John Winer, Robert S. Cassels, John
 Birrell and Charles Hunt, Esquires, all of the Dominion of Canada;
 Sir John Heron Maxwell, Baronet, of Springhill, Scotland; General Sir
 George Pollock, G.C.B., K.S.I., of London, England; General Sir Fred-
 25 erick Smith, K.H., F.R.S., of London, England, the Reverend J. Bowles,
 D.D., L.L.D., Vicar of Stanton Lacy, England; James Anderson,
 Esquire, Barrister, of Clifton Gardens, London, England; W. F. Ram-
 say, Esquire, M.D., of London, England, Peter Walker, Esquire,
 Mayor of Wrexham, North Wales; Robert Crauford, Esquire, of Pall
 30 Mall, London, England; James Adam Smith, Esquire, Merchant, of
 Mincing Lane, London, England; George Bermingham, Esquire, of
 London, England; John Halliburton King, Esquire, of Balerno, Scot-
 land; Colonel J. A. Cole, (late Administrator of the Government of
 New Brunswick) of Pall Mall, London, England, John Macrae Moir,
 35 of the Middle Temple, London, Barrister at Law, and such other per-
 sons as now are or may hereafter become shareholders in the said
 Association, shall be, and they are hereby constituted and declared to
 be, a body corporate and politic, under the name of the "Dominion Life
 Insurance Association," and by that name shall have perpetual succes-
 sion, and a common seal, and be capable of suing and being sued in
 40 all Courts of Justice in the Dominion of Canada.

2. The Corporation (meaning thereby the Dominion Life Insurance Objects of the
corporation.
 Association hereby incorporated) shall have full power and authority
 to make and effect contracts of assurance with any person or persons
 on life or lives, or in any manner dependent on life or lives, and to
 45 grant or sell annuities either for lives or otherwise, and on survivorships,

and to purchase annuities, to grant endowments for children or other persons, and to receive investments of money for accumulation, to purchase contingent rights, whether of reversion, remainder, annuities, life policies or otherwise, and generally to enter into any transaction depending upon the contingency of life, and all other transactions usually entered into by Life Insurance Companies, including re-assurance. 5

Capital stock. 3. The capital stock of the corporation shall be one million dollars, divided into shares of fifty dollars each.

May be increased. 4. The Directors, if they see fit at any time may make a by-law for increasing the capital stock of the corporation. 10

By law for that purpose. 5. Any by-law for increasing the capital stock of the corporation shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same shall be allotted.

Powers of the corporation. 6. The corporation shall be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of holding, absolutely or conditionally any lands, tenements, real or personal estate, and the same may sell, let, release, transfer and dispose of, as to them shall seem expedient: But it shall not be lawful for the said Corporation to deal, use or employ any part of the stock, funds or money thereof, in buying or selling any goods, wares or merchandise, or in any banking operations whatsoever; but it shall, nevertheless, be lawful for the said corporation to purchase and hold for the purpose of investing therein any part of the said funds or money in any of the public securities of the Dominion—the stock of any Bank or of any Chartered Companies, and the bonds and debentures of any of the incorporated cities, towns or municipalities, and also to sell and transfer the same, and again to renew such investment when and as often as a due regard to the interests of the said corporation shall require, and also to make loans of the funds on bond and mortgage at any legal rate of interest, and with power to receive the same in advance, and the same investments to call in and re-loan as occasion may require. 15 20 25 30

Payment of capital stock. 7. The capital stock shall be paid by the subscribers therefor, when where, and as the directors of the corporation shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of eight per centum per annum shall be payable after the said day upon the amounts due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe and within the time limited by such notice, the directors may, by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the Corporation, and may be disposed of as the by-laws or votes of the Corporation provide. 35 40

Action for payment of stock. 8. The Corporation may, in their discretion, enforce payment of all calls, and interest thereon, by action in any competent Court; and in such actions it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the Defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Corporation under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Corporation, to the effect that the Defendant is a shareholder, and that so much is due by him and unpaid 45 50 55

thereon, shall be received in all Courts of Law and Equity as *prima facie* evidence to that effect.

9. The stock of the corporation shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock to be deemed personal estate.

10. At all meetings of the Corporation, every shareholder, not being in arrears in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the Corporation, provided he shall have held such shares at least forty days previous to the time of voting, but no shareholder shall be entitled to more than one hundred votes in respect of shares held by him, and no shareholder being in arrears shall be entitled to vote, and all votes may be given in person or by proxy; provided always that the proxy is held by a shareholder not in arrears, and is in conformity with the by-laws.

Scale of votes. One vote per share.

Proviso.

11. The property and affairs of the Corporation shall be managed and conducted by a Board of not more than thirty-three Directors, to be elected by the stockholders, and to hold office as hereinafter provided.

Board of Directors.

No person shall be qualified for the office of a Director unless he shall be the holder of at least fifty shares in his own right.

Their qualifications.

The office of any Director shall be vacated—

If he becomes of unsound mind, bankrupt, or insolvent; or
If he shall at any time, during or before the expiration of his term of office, cease to hold fifty shares in his own right.

12. The persons whose names are contained in the first section of this Act shall be the first Board of Directors for the Corporation, with full power to them to add to their number, so that it do not exceed thirty-three, to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, and issue certificates and receipts; they shall also have power to convene the first General Meeting of the Corporation, at such time and place, within the Dominion or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the Corporation and conduct its affairs.

First Board of Directors.

Their powers.

13. The Directors shall give not less than ten days' notice of the time and place of holding the first General Annual Meeting of the stockholders, by advertisement, in at least two Newspapers, one of which shall be published at the place where the meeting is to be held, and also by a circular letter, addressed through the Post Office, to each stockholder.

First General Annual Meeting.

14. At the said first General Annual Meeting, one-third of the Directors for the time being, or if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

One-third of Directors to retire.

15. The one-third or other nearest number to retire from office at such first General Annual Meeting, and at the expiration of the first and second years subsequent thereto, shall, unless the Directors agree among themselves, be determined by ballot, and in every subsequent year, the one-third or other nearest number who have been longest in office shall retire. Retiring Directors shall be eligible for re-election.

Directors to ballot for retirement.

16. The Corporation, at the General Meeting at which any Directors retire in manner aforesaid, shall fill up the vacated offices by electing a like or any greater or less number of persons, subject to the provisions contained in section nineteen.

Vacant offices to be filled.

Elections of Directors to be by ballot. **17.** Elections of Directors shall be by ballot, and the requisite number of duly qualified persons, who shall have the greatest number of votes, shall be Directors in the place of those retiring from office.

If no election, vacating Directors to continue in office. **18.** If at any meeting at which an election of Directors ought to take place, the places of the vacating Directors are not filled up, the meeting shall stand adjourned until the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their places filled up, shall continue in office until the next ensuing General Annual Meeting, and so on, from time to time, until their places are filled up. 5

Number of Directors may be increased or reduced. **19.** The Corporation may, from time to time, in General Meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

Filling up of casual vacancies. **20.** Any casual vacancy occurring in the Board of Directors may be filled up by the Directors themselves; but any person so chosen shall retain his office so long only as the vacating Director would have retained the same if no vacancy had occurred. 15

General Meeting may change Directors. **21.** The Corporation, in General Meeting, may, by a special Resolution, remove any Director before the expiration of his period of office, and may, by an ordinary Resolution, appoint another person in his stead; the person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed. 20

Residence of Directors. **22.** The whole or any number of the Directors may be resident in Canada, or in the United Kingdom, or in the United States, as may be most expedient; and nothing herein contained shall be construed to render it imperative for the Directors to be resident or to hold their meetings in Canada, or to render shareholders in the United Kingdom or the United States ineligible as Directors. 25 30

President, Vice-President, Managing Director and General Manager. **23.** The Directors shall have power, at their first Meeting after the passing of this Act, and subsequently after each Annual General Meeting, to appoint from among themselves a President and Vice-President; and the Directors of the Corporation resident in the United Kingdom shall be empowered to appoint a Managing Director and General Manager, with such salary or allowance as they may consider reasonable and expedient. 35

Powers of Board of Directors. **24.** The Board of Directors shall have full power in all things to administer the affairs of the corporation, and from time to time to determine the rates of premiums for insurance and the amount that may be insured on any one life, and to make, or cause to be made, any description of contract which the Corporation may by law make, and generally possess all powers for carrying into effect the object of the Corporation, and for acting in such manner as shall appear to them best calculated to promote its welfare; to adopt a common seal; to make, from time to time, any and all by-laws (not contrary to law or to the votes of the Corporation); regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the Corporation, (excepting the Managing Director and General Manager hereinbefore mentioned); the security to be given by them to the Company; their remuneration and that of the Directors; the time and place for holding the annua 40 45 50 55

and other meetings of the Corporation within the Dominion of Canada or elsewhere; the calling of meetings of the Corporation and of the Board of Directors; the quorum; the requirements as to proxies; the procedure in all things at such meetings; the sites of their chief
 5 places of business, and of any offices which they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct, in all other particulars, of the affairs of the Corporation; and every copy of any by-law, under the seal of the Corporation, and purporting to be signed by any
 10 officer of the Corporation, shall be received in all courts of law as *prima facie* evidence of such by-law.

25. There may be a head or chief Office of the Corporation in Canada, in the United Kingdom, and in the United States, respectively, at such places as the Directors may appoint, at which offices the business and affairs of the corporation shall be managed and transacted concurrently,
 15 and in addition thereto the Corporation may establish and have any other place or places of business in this Dominion, in the United Kingdom, in the United States, or elsewhere, and may, at any one or more thereof, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by the By-laws.

Places of
business of the
corporation.

26. The shareholders of the Corporation shall not, as such, be held responsible for any act, default or liability whatever, of the Corporation, or for any engagement, claim, payment, loss, transaction, matter or thing whatsoever, relating to or connected with the Corporation, beyond the amount of the calls, if any, remaining unpaid on their shares in the
 25 stock thereof.

Liability of
shareholders
limited.

27. Whenever any two or more persons shall become joint proprietors of any share or shares in the corporation, the person whose name shall stand first in the register of shareholders as the proprietor of such share or shares shall, for the purpose of voting at any general meeting of
 30 shareholders, be deemed the proprietor of such share or shares and be alone qualified to vote in respect thereof.

Joint proprie-
tors of stock.

28. Interest on the paid-up capital of the Corporation, at the rate of six per cent. per annum, shall be paid by the Board of Directors to the shareholders, in proportion to the shares held by them respectively, to
 35 commence running from the date of the payment of the several calls or deposits upon the shares taken and paid upon by the said shareholders and to be paid yearly or half-yearly, and on such days as the Board of Directors shall appoint.

Interest on
paid up capi-
tal to be paid
to sharehold-
ers.

29. The shareholders may, at any time, in their discretion, pay up the whole or any portion of the amount due on their shares beyond the sums then actually called for, and interest shall accrue and be payable on amounts so paid in from the date of such payment.

Shareholders
may antici-
pate calls on
stock.

30. All bonds, policies, contracts or other instruments issued or entered into by the said Corporation, to which the seal of the Corporation has to be affixed, shall be signed by the President, Vice-President
 45 or Managing Director, or General Manager, or by two ordinary Directors, and countersigned by the Secretary, or as otherwise directed by the rules and regulations, of the corporation, and being so signed and countersigned, and under the seal of the said corporation, shall be deemed valid and binding upon them according to the tenor and
 50 meaning thereof.

What bonds,
&c., of Corpo-
ration valid.

31. The directors and officers, for the time being, of the corporation shall be indemnified and saved harmless out of the funds and property of the corporation, from and against all costs, charges, damages and
 Officers.

expenses which they respectively shall or may incur or sustain, in the execution of their respective offices or trusts, or otherwise in relation thereto, and none of them shall be answerable for the acts or defaults of any other or others of them or for joining in a receipt for the sake of conformity, or for any banker, agent, or other person with whom any property, moneys or effects belonging to the corporation may have been intrusted, or for the insufficiency or deficiency of any security upon which any moneys belonging to the corporation shall be placed out or invested, or for any other loss, misfortune or damage which may happen in the execution of their respective offices or trusts, or in relation thereunto, it being the true intent and meaning of these presents that no director or officer of the corporation shall, by reason of any act, matter or thing done by him in his official capacity, contract as between the shareholders in the corporation any greater or other responsibility than any other member of the corporation.

Validity of acts of pretended Shareholder or Director.

32. All votes, acts or things given and done by any person in the character of a shareholder or director of the corporation, or of chairman at a General Meeting or at a Board of Directors shall be good and valid notwithstanding he may not be a shareholder, or his election or appointment may have been wrong or irregular, or may have become void. But no vote, act or thing given or done by any such person shall be valid, if given or done after a protest against his being a shareholder, or against the regularity or validity of his election or appointment or holding his office shall have been made by five or more shareholders of the corporation in writing under their hands, except so far as may be necessary for the protection of purchasers and other persons dealing with the corporation, and not having actual notice of such irregularity or invalidity. But no protest concerning the irregularity of the appointment of the person in the chair at any General Meeting of shareholders or Board of Directors shall have any effect unless made before the time of his taking the chair.

Records to be kept by the Corporation.

33. The corporation shall cause a book or books to be kept by an officer specially charged with the duty, at each of its principal or chief offices, in which shall be recorded,—

1. A correct copy of the Act incorporating the Association, as also of any and every by-law thereof;
2. The names, alphabetically arranged, of all persons who are or have been shareholders;
3. The address and calling of every such person, while such shareholder;
4. The number of shares of stock held by each shareholder;
5. All transfers of stock, in their order as presented to the Corporation for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and—
6. The names, addresses and callings, of all persons who are or have been Directors of the Company, with the several dates at which each became or ceased to be such Director.

Transfers of Stock.

34. No transfer of stock shall be valid, for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable, *ad interim*, jointly and severally with the transferor, to the corporation and their creditors, until entry thereof has been duly made in such book or books.

The stock and transfer book shall, during reasonable business hours of every day, except Sundays and Statutory Holidays, be kept open for the inspection of shareholders and creditors of the corporation and their personal representatives, at the offices or chief places of business of the corporation; and every such shareholder, creditor or representative, may make extracts therefrom.

35. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the corporation or against any shareholder. Books to be evidence.

36. Every director, officer or servant of the corporation, who knowingly makes, or assists to make, any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, shall be liable to a penalty not exceeding twenty dollars for making each such untrue entry and for each such refusal or neglect, and also for all loss or damage which any party interested may have sustained thereby. Penalty for making an untrue entry.

37. No transfer of any share of the said corporation shall be valid until entered in the books of the corporation, according to such form as the directors may, from time to time, determine, and until the whole of the capital stock of the said corporation is paid up, it shall be necessary to obtain the consent of the directors to such transfer being made; provided always, that no stockholder indebted to the said corporation shall be permitted to make a transfer or receive a dividend until such debt is paid, or secured to be paid, to the satisfaction of the directors. No transfer to be valid until duly entered. Proviso.

38. The Corporation shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the shareholder in whose name the same may stand in the books of the corporation, shall be a valid and binding discharge to the corporation for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the corporation; and the corporation shall not be bound to see to the application of the money paid upon such receipt. Corporation not bound to see to execution of trust.

39. No person holding stock in the corporation as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable, in like manner and to the same extent as the testator or intestate, or the minor, ward, or interdicted person, or the person interested in such trust fund would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security by an instrument disclosing the conditional nature of the transfer, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly. Liability of executors, &c., holding stock as such.

40. Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands, at all meetings of the Company and may vote accordingly as a shareholder and be eligible as a director; and every person who pledges his stock by any instrument disclosing the conditional nature of the transfer, may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. Executors, &c., may vote.

41. Any person, who, as Secretary, Clerk or other officer of the corporation, shall be guilty of any designed falsehood or fraud, in any matter or thing pertaining to his office or duty, shall be guilty of a misdemeanor; and any person offering to vote in person at any election of directors of the said corporation, who shall falsely personate another, or who shall falsely sign or affix the name of any other person, a member of the Company, to any appointment of a proxy, shall be guilty of a misdemeanor. Certain offences to be misdemeanor.

Officers and stockholders to be competent witnesses

42. In all actions, suits and prosecutions in which the said corporation may be at any time engaged, any officer or stockholder in the said corporation shall be a competent witness notwithstanding any interests he may have therein.

Part of profits to be divided between the shareholders.

43. Such part of the ascertained profits as the Directors may determine shall be apportioned equally to the credit of the shareholders, according to the shares held by them respectively, by way of addition to the amount paid by them respectively upon their shares; and the shareholders shall receive interest at the rate of six per cent. per annum, as well on the amount of their paid up capital as on such additions thereto, until such additions shall amount to a sum equal to the amount of the capital paid up at the time of such division of profits; and when and as often as any such share of profits, or any part thereof, shall not be required for maintaining such additions at the amount last aforesaid, such share of the profits or any part thereof not required for such purpose shall be divided amongst the shareholders in money: Provided always, that when and at any time after the septennial additions shall amount to a sum equal to the amount of the share capital paid up, it shall be lawful for the Board of Directors, if they shall think fit, but not otherwise, to call an extraordinary general meeting of the shareholders and members entitled to vote at any general meeting of the corporation, to take into consideration the propriety of altering the rules, regulations and by-laws of the Corporation relating to capital and shares, (which alterations the Corporation are hereby authorized to make) so that the Corporation shall thereafter be a purely Mutual Assurance Company, and provided there shall not be less than thirty shareholders entitled to vote present at such extraordinary general meeting, and two-thirds of such shareholders so present shall so agree and determine, and also two-thirds in the aggregate of all those persons present and entitled to vote, whether shareholders or members, shall likewise so agree and determine, the share capital, with the said additions thereto, and any interest then accrued thereon, shall be paid to the shareholders according to their respective interest, and thereupon the necessary steps shall be taken for converting the said corporation into a Mutual Assurance Company.

Proviso.

Corporation may purchase business of any similar Corporation.

44. It shall be lawful for the Board of Directors, specially called for the purpose, to contract for or complete the purchase or acquisition, upon such terms, for such considerations, and in such manner generally as to the said Board shall seem expedient, of the good will or business, and all or any part of the stock, assets or property of any other company or companies, society or societies, established or created by Special Act or Acts of Parliament, or otherwise howsoever for any purposes or objects the same as or resembling all or any of the objects or purposes of the corporation herein set forth, and thereupon to undertake, pay or perform all or any of the existing Assurances, Annuities, Endowments or other engagements or liabilities whatsoever of such other company or companies, society or societies, and to enter into, make and execute all such agreements, arrangements, and indemnities, acts, deeds, matters and things whatsoever as shall be requisite or necessary or be deemed expedient for the purpose of effectuating any and every such purchase or other acquisition as aforesaid, and for such purposes or any of them to dispose of or assign or charge the pecuniary funds and capital for the time being of the corporation, and all or any of such shares in the present or future capital thereof, as by reason of forfeiture, non-allotment or otherwise, shall for the time being be vested in, or under the control, or at the disposition of the Board, and to deal with such last-mentioned shares or any of them respectively, either by altering the amount, value or denomination thereof, or by subdividing or amalgamating the same, or any of them respectively, or by granting peculiar or exclusive rights, or privileges or benefits

to the holders for the time being thereof respectively, or in any other manner which to the said Board of Directors, shall appear expedient, and (subject always to the provisions of this Act the directors shall have power to act as regards the transaction of the 5 business of the Corporation, the investment of its funds, and in all other matters as they may deem most advantageous and best calculated to advance the interests of the Corporation.

10 **45.** All premiums of Insurance received by the Corporation within the Dominion of Canada, and all moneys received in Canada by the Corporation on account of undertakings entered into by them in the carrying out of the business and purposes for which they are incorporated, shall be from time to time invested by the Directors in such public or other securities of Canada, as they may deem expedient. Moneys received in Canada to be invested in Canada

15 **46.** The Charter of the Association shall be forfeited by non-user during three consecutive years, at any one time, or if the Company do not go into actual operation within three years after it is granted; and no declaration of such forfeiture by any Act of Parliament shall be deemed an infringement of such charter. Charter when to be forfeited by non-user.

20 **47.** The corporate rights hereby conferred shall at all times hereafter be subject to the provisions of any general enactment hereafter to be passed respecting incorporated companies. Corporate rights to be subject to general Acts.

48. This Act shall be deemed a Public Act.

Public Act.

1st Session, 1st Parliament, 31st Vic., 1867.

C

BILL.

An Act to incorporate the Dominion Life
Insurance Association.

Received and read, first time, Wednesday,
27th Nov., 1867.

Second reading, Friday, 29th Nov., 1867.

Hon. Mr. McDONALD.

OTTAWA :

PRINTED BY HUNTER, ROSE & CO., SALLY ST.

BILL.

An Act to incorporate The Intercolonial Insurance Company.

WHEREAS, Henry Osgoode Burritt, Robert Lyon, J. M. Currier, M.P., the Honorable James Skead, James McIntosh Bates, and others, have, by their petition, prayed for the incorporation of a Company, in the name and style of "The Intercolonial Insurance Company," for the purpose of insuring property against loss by fire, and also of carrying on the business of Marine and Inland Navigation Insurance, and Life and Accidental Insurance; and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of the Dominion of Canada, enacts as follows:

1. The above named petitioners, together with all such other persons as now are, or hereafter shall become, stockholders of the said association shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact and in name, by the style and title of "The Intercolonial Insurance Company," and shall be capable in law of purchasing, holding or conveying any estate, real or personal, for the use of the said corporation, subject to the rules and conditions hereinafter mentioned.

Certain persons incorporated.

Corporate name and powers.

2. A share in the stock of the said Company shall be one hundred dollars, and the capital of the Company shall be five hundred thousand dollars; and books of subscription shall be opened in the City of Ottawa, and such other principal cities and towns of Canada, as the directors shall see fit, of which public notice shall be given by such person or persons and under such regulations, as the majority of the directors hereinafter appointed shall direct; provided always, that it shall and may be lawful for the said Corporation to increase its capital stock to a sum not exceeding two million five hundred thousand dollars, as a majority of the stockholders at a meeting expressly convened for purpose shall agree upon.

Value of Shares and amount of capital.

Provision for increase thereof.

3. It shall be lawful for any person or persons, or body politic, to subscribe for such and so many shares as he, she or they may think fit, and ten dollars per cent. thereon may be called for by the directors as soon as they may deem expedient, and the remainder shall be payable in such instalments as the majority of the directors may determine upon; Provided always, that no instalment shall exceed ten per cent. upon the capital stock in any period of four months, nor be called for nor become payable in less than sixty days after public notice shall have been given in one newspaper published in the City of Ottawa and in the *Canada Gazette*, and by circular addressed to each stockholder at his or her last known residence; if any stockholder or stockholders, as aforesaid, shall refuse or neglect to pay to the said directors the instalment due or any share or shares held by him, her or them at the time required so to do, such stockholder or stockholders as aforesaid shall forfeit such share or shares as aforesaid, together with the amount previously paid thereon, and such forfeited share or shares may be sold at a public sale by the said directors, after such notice as

Subscription for shares.

Proviso: ten per cent. in cash.

Forfeiture of shares for non-payment.

Proviso: as to sale of shares forfeited. they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act; provided always, that in case the money produced by any sale of shares be more than sufficient to pay all arrears and interest, together with the expense of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses; the directors shall also have power to enforce the payment of such calls by law. 5

In case of payment of arrears. 4. If payment of such arrears of calls, interest and expenses be made before any share so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, as if such calls had been duly paid; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the said Company to declare in an action of debt in manner following: 15

Form of declaration. "For that whereas the defendant heretofore, to wit: on the day of eighteen hundred was indebted to the Intercolonial Insurance Company of Canada, in the sum of for divers calls and dues upon certain stock and shares of the said Company held by defendant, before then due and unpaid upon the said stock and shares, and being so indebted then became liable to pay the said amount to the said plaintiffs, whereby an action hath accrued to the said plaintiffs to ask and demand the same from the defendant, yet the defendant although often requested, hath not paid the same or any part thereof, to the plaintiffs' damage of wherefore they bring the suit, &c." 25

What proof shall suffice. 5. And it shall only be necessary to prove that the defendant was owner of one or more shares in the Company, that such calls were in fact made, and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such calls, nor any other matter whatsoever. 30

Increase of subscriptions for shares. Reduction of subscriptions. 6. Provided that if the whole number of shares shall not be subscribed for, within one month after the said books of subscription shall be opened, then it shall be lawful for any former subscriber or subscribers to increase his, her or their subscription; And provided further, that if the total amount of subscriptions within the period aforesaid shall exceed the capital stock, limited by this Act to five hundred thousand dollars, then and in such case the shares of each subscriber of above ten shares shall, as nearly as may, be proportionably reduced until the total number of shares be brought down to the limits aforesaid; And provided, nevertheless, that the said limitation, in respect to persons subscribing to the said capital stock, shall not extend or be construed to extend to prevent the acquisition of a greater number of shares by purchase, after the said corporation shall have commenced its operations. 45

Powers and business of corporation. Fire and Marine Insurance. Re-insurance. 7. The corporation hereby erected shall have power and authority to make and effect contracts of assurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and on any shipping or vessels whatsoever, wheresoever or whithersoever proceeding and either sea-going or navigating upon lakes, rivers or navigable waters, against loss or damage by fire, water or any other risk whatever, and in like manner on any goods, chattels or personal estate whatsoever, whether on shore or afloat; under such modifications and restrictions as may be bargained or agreed upon or set forth, and to cause themselves to be reinsured against any loss or risk they may have incurred in the 55

course of their business, and generally to do and perform all other necessary matters, and things connected with and proper to promote these objects.

8. The said corporation shall be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of holding absolutely or conditionally, any lands, tenements, real or personal estate, and the same may sell, let, lease, transfer and dispose of, so as to them shall seem expedient; Provided always that nothing in this Act contained shall be considered as permission to hold any real estate beyond the annual value of ten thousand dollars, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts; And provided also that it shall be lawful for the said corporation to purchase and hold, for the purpose of investing therein any part of the said funds or money, any of the public securities of the Province, the stocks of any of the banks or other chartered companies, and the bonds and debentures of any of the incorporated cities or towns, or municipal districts, and also to sell and transfer the same, and again to renew such investment when and as often as a due regard to the interests of the said Company shall require, and also to make loans of the funds on bond and mortgage at any legal rate of interest, and with power to receive the same in advance, and the same investments to call in and re-loan as occasion may require.

Corporation may acquire and hold real estate.

Annual value of real estate.

Power to hold certain stocks &c, as investments.

9. The property, affairs and concerns of the said Company shall be managed and conducted by a Board of fifteen Directors, one of whom shall be chosen president and one vice-president, which board, in the first instance and until others shall be chosen and appointed as hereinafter provided shall consist of Henry O. Burritt, Robert Lyon, the Honorable James Skead, J. M. Currier, M.P., Wm. Ellis, W. H. Brouse, F. Jones, M.P., M. K. Church, T. D. Harrington, Joseph Aumond, H. Parker, Daniel McLaughlin, M.P., Wm. Wade, E. McGillivray, and James McIntosh Bates, and which said directors shall hold their offices until the election hereinafter provided for shall take place.

Provisional Directors.

10. As soon as five hundred thousand dollars shall have been subscribed, and ten per cent. paid in to some one of the present chartered banks in Canada on account of the subscribed capital of the Company, it shall and may be lawful for the shareholders or subscribers to proceed to the election by ballot of fifteen directors, at such time and place as the present Board shall appoint, giving fifteen days' notice thereof in one newspaper at least in the City of Ottawa, which directors shall be stockholders at the time of their election and during their continuance in office to the amount of twenty-five shares, and shall have power to choose from amongst themselves a president and vice-president; and the said directors shall thereupon, at their first meeting thereafter, divide themselves by lot into three classes of five each, who shall go out of office in rotation as hereinafter provided; provided always, that the said Company shall not begin the business of insurance until at least fifty thousand dollars is actually paid up.

Election of first Board of Directors.

Qualification of Directors.

Retirement of Directors in rotation.

11. Each stockholder shall be entitled to one vote for each share which he or she shall have held in his or her name, at least one month prior to the time of voting; and all votes given at any meeting may be either personally or by proxy, the holders of such proxies being stockholders authorized by writing under the hands of the stockholders nominating such proxies, and every proposition at any such meeting shall be determined by a majority of the votes of the parties present, including proxies.

Scale of votes.

Proxies.

Majority.

- 12.** If any director of the said corporation shall die, resign or become disqualified, or incompetent to act as a director, or shall cease to be a director through any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place any stockholder duly qualified to be a director, and the stockholder so elected to fill up any vacancy shall continue in office until the first yearly meeting after such vacancy, and the stockholders then present shall elect a new director, who shall hold office for the same period as the director would have done, whose death, resignation or disqualification caused the vacancy. 5 10
- 13.** A general meeting of the shareholders of the said Company shall be held in the City of Ottawa, on such day in each and every year, as a majority of the said directors shall appoint, after giving thirty days' notice thereof; and at such meeting the five directors whose names stand first on the list of directors, shall be held to vacate their seats, and the stockholders present at such meeting, either in person or by proxy, shall proceed to elect, by ballot, five directors to serve as directors for the ensuing year, who shall, upon election, be placed at bottom of the roll of directors; provided always, that nothing herein contained shall be held to render the retiring directors ineligible for election. 15 20
- 14.** The directors may appoint local or honorary directors, and may designate the duties, powers and authorities of the same when so appointed, but such local or honorary directors must be members of the corporation. 25
- 15.** At the annual general meeting of the Company and before the shareholders then assembled, the board of directors shall exhibit a full and unreserved statement of affairs of the Company, of the funds, property and securities, shewing the amount of real estate, in bonds and mortgages and other securities, or in public debt and other stock and the amount due to and by the said Company. 30
- 16.** If it shall happen at any time, or for any cause, that an election of directors shall not be made on any day when, pursuant to this Act or the ordinances of the Company, it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws or ordinances of the Company, and the directors in office shall so continue until a new election shall be made. 35
- 17.** Any number of directors of the said Company, being a majority of the said directors, shall have full power and authority to make, prescribe and alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the Company, the rates and amount of assurance and issuing of policies the management and disposition of its stock, property, estate and effects, and also to call in any instalment or instalments at such times and seasons as they will see fit, giving due notice thereof as hereinbefore provided; and also to declare and cause to be paid or distributed to the respective stockholders of the Company any dividend or dividends of profit, at such times and seasons as they shall deem expedient; and also to appoint a managing director, secretary and treasurer, or any of them, with such salary or allowances to each, as well as to the other officers or agents of the Company as may be thought reasonable, and to take security for the due performance of their respective duties as they shall think advisable; provided always, that for the purposes in this section mentioned, except as hereinafter specially provided, a majority of the directors shall be present and assisting, and it shall not be com- 45 50 55

Case of vacancy among Directors.

Annual general meetings.

Election of three Directors.

Proviso.

Local or Honorary Directors

Annual statement of affairs.

Failure to elect directors not to operate as a dissolution.

Directors may make by-laws &c.

Appointment of Managing Director, &c.

Proviso.

potent for a Board consisting of a less number of directors than were present at the time, to alter, repeal or amend any matter or thing so done.

18. It shall be lawful for a majority of the said directors, if they shall deem it for the interest of the said Company, to return to the holders of policies or other instruments, such part or parts of the actual realized profits of the Company, in such parts, shares and proportions and at at such times and in such manner as the said directors may deem advisable, and to enter into obligations so to do either by indorsements on the policies or otherwise; provided always, that such holders of policies or other instruments shall not be held to be in any wise answerable for the debts or losses of the said Company, beyond the amount of the premium or premiums which may have been actually paid up by them.
19. There shall be a weekly or semi-monthly (as may be fixed by the by-laws of the Company) meeting of the Board of Directors of the said Company, and any three or more of the said directors shall be a quorum for the purpose of transacting and managing the details of the business and affairs of the said Company; and at all meetings of the Board of Directors, all questions before them shall be decided by a majority of the voices or votes, and in case of an equality of votes, the president, vice-president or presiding director shall give the casting vote over and above his proper vote as a director; provided always, that nothing herein contained shall be construed to authorize the making, altering or repealing of any by-laws or ordinances of the said Company, or calling in any instalments of stock, or declaring dividends of profits, or the appointment of managing director, secretary or treasurer, or the appointments of salaries to, or the taking of securities from, officers or agents of the said Company, by any less number of directors, or in any other manner than is hereinbefore mentioned and provided.
20. All policies, checks or other instruments issued or entered into by the said Company, shall be signed by the president, vice-president or managing director and countersigned by the secretary, or as otherwise directed by the rules and regulations of the Company, in case of their absence, and being so signed and countersigned, and under the seal of the said Company, shall be deemed valid and binding upon them according to the tenor and meaning thereof.
21. No transfer of any share of the said corporation shall be valid until entered in the books of the corporation, according to such form as the directors may, from time to time, determine, and until the whole of the capital stock of the said corporation is paid up, it shall be necessary to obtain the consent of the directors to such transfer being made; provided always, that no stockholder indebted to the said corporation shall be permitted to make a transfer or receive a dividend until such debt is paid, or secured to be paid, to the satisfaction of the directors.
22. Any person, who, as secretary, clerk, or other officer of the Company, shall be guilty of any designed falsehood or fraud, in any matter or thing pertaining to his office or duty, shall be guilty of misdemeanor; and any person offering to vote in person at an election of directors of the said Company, who shall falsely personate another, or who shall falsely sign or affix the name of any other person, a member of the Company, to any appointment of a proxy, shall be guilty of a misdemeanor.
23. In all actions, suits and prosecutions in which the said Company may be at any time engaged, any officer or stockholder in the said Company shall be a competent witness notwithstanding any interest he may have therein.

Payment of part of profit to policy holders.

Proviso.

Meetings of Board of Directors Quorum..

Casting vote.

Proviso: as to Quorum at such meetings.

Signing of Policies, &c.

Transfer of shares how effected.

Misconduct of officers, &c.

Misdemeanor.

Officers, &c., may be witnesses in suits.

Liabilities of shareholders limited. **24.** Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities thereof, but no further.

Forfeiture for non user. **25.** The present Act shall in no wise be forfeited for nonuser at any time before the first day of January, one thousand eight hundred and seventy-three. 5

Rights conferred by this Act to be subject to future legislation. **26.** The corporate rights hereby conferred shall, at all times hereafter, be subject to the provisions of any general enactment hereafter to be passed with reference to Insurance Companies or the business of insurance. 10

Public Act. **27.** This Act is hereby declared a Public Act.

1st Session, 1st Parliament, 1867.



BILL.

An Act to incorporate the Int
Insurance Company.

Received and read, a first time,
28th November, 1867.
Second reading, Friday, 29th
1867.

Honorable Mr. S

OTTAWA:
PRINTED BY HUNTER, ROSE
SALLY STREET.

(34) E

BILL.

An Act to prevent the unlawful training of persons to the use of arms, and the practise of Military evolutions; and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.

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

1. All meetings and assemblies of persons for the purpose of training or drilling themselves, or of being trained or drilled to the use of arms, or for the purpose of practising Military exercises, movements or evolutions, without lawful authority for so doing, shall be and are hereby prohibited, and declared unlawful, as dangerous to the peace and security of Her Majesty's liege subjects, and of Canada; and every person who shall be present at or shall attend any such meeting or assembling for the purpose of training any other person or persons to the use of arms or to the practice of military exercises, movements or evolutions, or who, without lawful authority for so doing, shall train or drill any other person or persons to the use of arms, or to the practice of military exercises, movements or evolutions, or who shall aid or assist therein, being legally convicted thereof shall be liable to be imprisoned in a Provincial Penitentiary for the term of two years, or to be punished by fine and imprisonment in any of the common jails of any of the Provinces of Canada for a period not less than two years, in the discretion of the Court in which such conviction shall be had; and every person who shall attend or be present at any such meeting or assembly, for the purpose of being or who shall at any such meeting or assembly be trained or drilled to the use of arms, or the practice of military exercises, movements or evolutions, being legally convicted thereof shall be liable to be punished by fine and imprisonment not exceeding two years, in the discretion of the Court before which such conviction shall be had.

Meetings for drill, &c., without lawful authority prohibited.

Punishment of persons acting as instructors at such meetings.

And of persons receiving instruction.

2. It shall be lawful for any Justice of the Peace, or for any Constable or Peace Officer, or for any person acting in their aid or assistance, to disperse any such unlawful meeting or assembly as aforesaid, and to arrest and detain any person present at or aiding, assisting or abetting any such assembly or meeting as aforesaid; and it shall be lawful for the Justice of the Peace who shall arrest any such person or before whom any person so arrested shall be brought, to commit such person for trial for such offence under the provisions of this Act, unless such person can and shall give bail for his appearance

Such meetings may be dispersed and persons attending them arrested, and committed for trial if not bailed.

at the next Court of Oyer and Terminer and general jail delivery, if in either of the Provinces of Ontario, Nova Scotia or New Brunswick, or at the next term or sitting of the Court of Queen's Bench in the exercise of its criminal jurisdiction, if in the Province of Quebec to answer to any indictment which may be preferred against him for any such offence against this Act. 5

Arms or ammunition kept for any unlawful purpose may be seized and detained.

3. It shall be lawful for any Justice of the Peace, upon information on oath of one or more credible witness or witnesses, that any pike, pike head, spear, dirk, dagger, sword, pistol, gun, rifle or other weapon, gunpowder, lead, cartridges, bullets or other ammunition or munitions of war, are for any purpose dangerous to the public peace, in the possession of any person, or in any house or place, to issue his warrant to any Constable or other Peace Officer, to search for and seize any such pike, pike head, spear, dirk, dagger, sword, pistol, gun, rifle or other weapon, gunpowder, lead, cartridges, bullets or other ammunition or munitions of war, being in the possession of any such person, or in any such house or place as aforesaid, and to arrest any person having such possession as aforesaid; and in case admission into such house or place be refused, or not obtained within a reasonable time after it shall have been first demanded, to enter by force, by day or by night, into every such house or place whatsoever, and to detain or cause to be detained such person, and to keep in safe custody, in such place as the said Justice shall appoint and direct, the arms and weapons, ammunition or munitions of war, so found or seized as aforesaid, unless the owner thereof shall prove, to the satisfaction of such Justice, that such arms or weapons, ammunition or munitions of war, were not kept for any purpose dangerous to the public peace; and any such person having the possession or custody of any such arms, weapons, ammunition or munitions of war, and being so arrested, shall be brought before any Justice of the Peace, and may be dealt with, tried and punished in the same manner as is provided for persons arrested and tried under the fifth section of this Act. 10 15 20 25 30 35

And the person having them may be arrested.

How dealt with.

Claims for restitution of such arms, &c., how to be decided upon.

4. Provided always, that it shall be lawful for any person from whom any such arms or weapons, ammunition or munitions of war, shall be so taken as last aforesaid, in case the justice of the peace upon whose warrant the same shall have been taken, upon application made for that purpose, refuse to restore the same, to apply to the next General or Quarter Sessions of the peace, or in the Province of Quebec, in any district in which no such Court may then be held, to any Judge of the Court of Queen's Bench or of the Superior Court, upon giving ten days previous notice of such application to such justice for the restitution of such arms or weapons, or any part thereof, and the justices assembled at such General Quarter Sessions of the peace, or such Judge of the Court of Queen's Bench 40 45

or of the Superior Court, shall make such order for the restitution or safe custody of such arms or weapons, or any part thereof, as upon such application shall appear to them or him to be proper.

- 5 **5.** It shall be lawful for any Justice of the Peace, or for any Constable, Peace Officer or other person acting under the Warrant of any Justice of the Peace, or for any person acting with or in aid of any Justice of the Peace, or of any Constable or other Peace Officer, having such warrant as aforesaid, to
 10 arrest and detain any person found carrying any such arms, or weapons as aforesaid, in such manner and at such times as, in the judgment of such Justice of the Peace, to afford just grounds of suspicion that the same are for purposes dangerous to the Public Peace; and it shall
 15 be lawful for the justice who shall arrest any such person, or before whom any person arrested upon any such warrant shall be brought, to commit such person for trial for a misdemeanor; and such person shall be liable to be tried for a misdemeanor for carrying such arms or weapons aforesaid, and on conviction
 20 shall be punished by fine or imprisonment or both in the discretion of the Court trying him for such offence; but any such person may before conviction give good and sufficient bail for his appearance at the next Assizes or General Quarter Sessions of the Peace, or in the Province of Quebec, in any
 25 District in which no Court of Quarter Sessions may then be held, at the next term of the Court of Queen's Bench in the exercise of its criminal jurisdiction, to answer to any indictment which may be preferred against him.

Persons carrying arms for unlawful purposes may be arrested and

committed and tried for misdemeanor.

May be bailed.

- 30 **6.** All Justices of the Peace in and for any District, County, City, Town or place, in Canada, shall have concurrent jurisdiction as Justices of the Peace, with the justices of any other District, County, City, Town or place, in all cases as to the carrying into execution the provisions of this Act, and as to all matters and things relating to the preservation of the public
 35 peace under this Act, as fully and effectually as if each of such justices was in the commission of the peace, or was *ex officio* a Justice of the Peace for each of such Districts, Counties, Cities, Towns or places.

All justices of the Peace to have concurrent jurisdiction under this Act.

- 40 **7.** Any action or suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer or other person or persons for any thing done or acted in pursuance of this Act, shall be commenced within six calendar months next after the fact committed, and not afterwards; and the venue shall be laid in either of the Provinces
 45 of Ontario, Nova Scotia or New Brunswick, and the action or suit shall be brought in the Province of Quebec, in the proper county, district or other judicial division, where the fact was committed, and not elsewhere; and the defendant or defendants may plead the general issue and give this Act and the special

Provision for protection of justices and others acting under this Act.

Double costs
against plain-
tiff failing in his
suit.

matter in evidence in any trial to be had thereupon ; and if such action or suit be commenced or brought after the time hereby limited for bringing the same, or be brought or the venue laid in any other place than as aforesaid, then a verdict shall be found or judgment shall be given for the defendant or defendants ; and in such case if the plaintiff or plaintiffs become non-suit or discontinue his, her or their action after appearance, or if the jury find a verdict or the Court give judgment for the defendant or defendants on the merits, or if upon demurrer, judgment be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, and may recover the same in such and the same manner as any defendant can by law in like cases. 10

This act may
be suspended
and again
brought into
force.

8. The Governor in Council may, from time to time, by Proclamation, suspend the operation of this Act in any one of the Provinces of Canada or in any particular districts or district, counties, county or locality therein specified ; and from and after the period specified in any such Proclamation the powers given by this Act shall be suspended in such Province or in such districts or district, counties, county or locality ; but nothing herein contained shall prevent or be construed to prevent the Governor in Council from again declaring, by proclamation, that any such Province, districts or district, counties, county or locality shall be again subject to this Act and the powers hereby given, and upon such proclamation this Act shall be revived and in force accordingly. 15 20 25

Limitation of
prosecutions.

9. No person shall be prosecuted for any offence done or committed against the provisions of this Act, unless such prosecution be commenced within six calendar months after the offence committed. 30

E

BILL.

An Act to prevent the unlawful training of persons to the use of Arms and the practise of Military Evolutions or Exercises, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.

Received and read first time, Tuesday, 10th
December, 1867.

Second reading, Friday, 13th December,
1867.

HON. MR. CAMPBELL.

(6.) / F

BILL.

An Act to protect the inhabitants of Canada against lawless aggressions from subjects of Foreign Countries at Peace with Her Majesty.

WHEREAS in and by the ninety-eighth chapter of the Consolidated Statutes for Upper Canada, and further by an Act made and passed in the Session of Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of Her Majesty's Reign, and chaptered four, certain provisions are made for the protection of the inhabitants of that part of the said late Province of Canada called Upper Canada, against lawless aggressions from Subjects of Foreign Countries at Peace with Her Majesty; And whereas in and by two several Acts made and passed in the said Session of Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of Her Majesty's Reign, and chaptered two and three respectively, certain provisions are made for the protection of the inhabitants of that part of the late Province of Canada called Lower Canada, against similar lawless aggressions; And whereas it is expedient to continue the operation of the said Acts respectively, and that similar provisions be enacted in respect to the Dominion of Canada.

Preamble.

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

1. The ninety-eighth chapter of the Consolidated Statutes for Upper Canada, the said Act made and passed in the Session of Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of Her Majesty's Reign, and chaptered four,—and the said two several Acts made and passed in the said Session of Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of Her Majesty's Reign, and chaptered two and three respectively, are hereby extended and the provisions thereof declared to be in force throughout Canada as follows, that is to say:—

Con. Stat., U. C., cap. 98, and Acts of Canada, 29, 30 Vict. c. 2, 3 & 4, extended.

2. In case any person, being a citizen or subject of any Foreign State or Country at peace with Her Majesty, be or continues in arms against Her Majesty, within Canada, or commits any act of hostility therein, or enters Canada with design or intent to levy war against Her Majesty, or to commit any felony therein, for which any person would, by the laws in force in any Province of Canada in which such offence is committed, be liable to suffer death, then the Governor may order the assembling of a Militia General Court Martial for the trial of

Citizens or subjects of a foreign power taken in arms in Canada may be tried and sentenced by a Militia Court Martial

such person, agreeably to the Militia Laws in force in such Province ; and upon being found guilty by such Court Martial of offending against this Act, such person shall be sentenced by such Court Martial to suffer death, or such other punishment as shall be awarded by the Court.

5

Subjects of Her Majesty in Canada levying war with foreigners, or aiding them in so doing, may be tried and sentenced in the same manner.

3. If any subject of Her Majesty, within Canada, levies war against Her Majesty, in company with any of the subjects or citizens of any Foreign State or Country then at peace with Her Majesty, or enters Canada in company with any such subjects or citizens with intent to levy war on Her Majesty, or to commit any such act of felony as aforesaid, or if, with the design or intent to aid and assist, he joins himself to any person or persons whatsoever, whether subjects or aliens, who have entered Canada with design or intent to levy war on Her Majesty, or to commit any such felony within the same, then such subject of Her Majesty may be tried and punished by a Militia Court Martial, in like manner as any citizen or subject of a Foreign State or Country at peace with Her Majesty, is liable under this Act to be tried and punished.

Her Majesty's subjects or foreigners offending against this Act to be guilty of felony and punishable accordingly.

4. Every subject of Her Majesty and every citizen or subject of any foreign state or country, who has at any time heretofore offended, or may at any time hereafter offend against the provisions of this Act, is and shall be held to be guilty of felony, and may, notwithstanding the provisions hereinbefore contained, be prosecuted and tried in any county or district of the Province in which such offence was committed before any Court of competent jurisdiction, in the same manner as if the offence had been committed in such county or district, and upon conviction shall suffer death as a felon.

Sentence may be carried out in Ontario notwithstanding Con. Stat., U. C., cap. 113.

5. In case any person shall be prosecuted and tried in the Province of Ontario under the provisions of the next preceding section and found guilty, it shall and may be lawful for the Court before which such trial shall have taken place, to pass sentence of death upon such person, to take effect at such time as the Court may direct, notwithstanding the provisions of an Act of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting New Trials and Appeals and Writs of Error in Criminal cases in Upper Canada.*

Printed by G. F. Desjardis

For Mr. CAMERON.

1887.

Received of Mr. Cameron, 11th December

December, 1887.

Received and paid for same, 11th Decem-

ber,

of foreign countries, at peace with the Union from previous aggressions from empires

1887.

F.

BILL.

An Act to protect the inhabitants of this Dominion from lawless aggressions from subjects of foreign countries at peace with Her Majesty.

Received and read first time, Tuesday, 10th December, 1867.

Second reading, Wednesday, 11th December, 1867.

HON. MR. CAMPBELL.

BILL.

An Act respecting the security to be given by Officers of Canada.

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

1. Every person appointed since the first day of July, eighteen hundred and sixty-seven, to any civil office or employment, or commission in any public department of the Government of Canada, or to any office or employment of public trust, or wherein he is concerned in the collection, receipt, disbursement or expenditure of any public money under the Government of Canada, and who by reason thereof is required to give security, with surety or sureties, or otherwise, shall, within six months from and after the passing of this Act, give and enter into a bond or bonds, or other security or securities, in such sum and with such sufficient surety or sureties as may be approved of by the Governor, or by the principal officer or person in the office or department to which he has been appointed, for the due performance of the trust reposed in him, and for his duly accounting for all public money intrusted to him or placed under his control.

Bonds, with sureties, to be given by persons appointed to certain public offices since 1st July, 1867.

2. Every person appointed after the passing of this Act, to any civil office or employment, or commission in any public department of the Government of Canada, or to any office or employment of public trust, or wherein he is concerned in the collection, receipt, disbursement or expenditure of any public money under the Government of Canada, and who by reason thereof is required to give security, with surety or sureties, or otherwise shall, within one month after notice of such appointment, if he is then in Canada, or within three months if he is then absent from Canada, (unless he sooner arrives in Canada, and then within one month after such arrival), give and enter into a bond or bonds, or other security or securities, in such sum and with such sufficient surety or sureties as may be approved of by the Governor, or by the principal officer or person in the office or department to which he is appointed, for the due performance of the trust reposed in him, and for his duly accounting for all public moneys entrusted to him or placed under his control.

Bonds, with sureties, to be given by persons hereafter appointed to certain public offices.

3. Every person who, by reason of his appointment to any civil office or employment, or commission in any public department, or of public trust, as aforesaid, or who, by reason of being concerned in the collection, receipt, disbursement or expenditure of any public moneys, as aforesaid, gives or enters into any bond or other security, for the due performance of the trust reposed in him, or for the due accounting for of public money intrusted to him, shall cause every such bond or security to be recorded at full length at the Office of the Secretary of State of Canada, in manner hereinafter mentioned, and shall forthwith, after such registration, deposit the original bond or security at the Office of the Minister of Finance.

Bonds, &c., how and where to be recorded and deposited.

2. And every such bond or security shall be recorded and deposited, as aforesaid, within one month after being entered into or given, if the person on whose behalf it is entered into or given resides or is in Canada ;

Time within which it is to be done.

and if he is absent from Canada, then within three months after being entered into or given, unless such person arrives sooner in Canada, and then within one month after such arrival.

Entry of bond and certificate thereof.

4. The Secretary of State of Canada shall make an entry, and shall, if required, give a certificate in writing under his hand and seal, of every such bond or security brought to him to be registered, as aforesaid, and therein shall mention the day on which such bond or security is so registered, expressing also in what book, page or number the same is recorded. 5

Separate book to be kept for the purpose.

2. For the purpose of so registering bonds or securities under this Act the Secretary of State of Canada shall provide a separate Register Book, every page of which, and every bond or security recorded therein, shall be numbered; and the day of the month and year when every such bond or security is registered, shall be entered in the margin of the said Register Book, and in the margin of the bond or security. 10 15

Alphabetical lists of names to be kept.

3. The Secretary of State of Canada shall keep separate alphabetical lists of the names of the principals and of the names of the sureties mentioned in such bonds or securities, with reference to the book, page or number where the bonds or securities containing such names are to be found, and shall enter and register the said bonds or securities in the same order of time in which they respectively come to his hands. 20

Order of entry.

Commission may be declared avoided for non-compliance.

5. If any person who, by reason of his appointment to or holding any such civil office or employment or commission in any public department, or of public trust, as aforesaid, or who, by reason of being concerned in the collection, receipt, disbursement or expenditure of any public money as aforesaid, is required or bound to give any such security, or to register and deposit any such bond or security, as aforesaid, neglects to give such security or to cause such bond or security to be duly registered and deposited in the manner and within the period in this Act prescribed, he shall be liable to forfeit the appointment, office, employment or commission, in respect whereof such security ought to have been given; and such bond or security, registered and deposited as aforesaid, and his appointment or commission shall be void from and after the time when the Governor declares the same to be avoided under this Act; but such avoidance shall not annul or make void any act or order or other matter or thing done by such person during the time he actually held such appointment, office, employment or commission. 25 30 35

Avoidance not to annul acts done.

Exceptions.

2. No such forfeiture shall take place by reason of any such bond or security not being registered or deposited, where the proper sureties have been given and the proper bond made out, and when the failure of registry and deposit have arisen from the loss of such bond or security in the transmission thereof from a distance; but in every such case a new bond or security, specifying the reason of such delay, shall be made out and signed, registered and deposited, within the like period after the person giving such security receives notice of the loss (regard being had to the place where he then is) as is required by this Act for the registry thereof if such loss had not occurred. 40 45

Notice to be given of death, &c., of surety.

6. Every such person as aforesaid, who has given any bond or other security, with surety or sureties for the due execution of the trust reposed in him, or for duly accounting for public moneys coming to his hands, shall give notice in writing to the Secretary of State of Canada, or to the principal officer or person of the Department to which he belongs, of the death, bankruptcy, insolvency, or residence out of Canada of any surety or person bound for or with him in any such security. 50 55

Delay for giving notice.

2. Such notice shall be given within one month after the fact comes to the knowledge of such person as aforesaid, if he then is or resides in

Canada, or within three months if he be out of Canada (unless he sooner arrives in Canada, and then within one month after such arrival); and any person who neglects to give such notice within such period as aforesaid, shall forfeit, to the use of Her Majesty, one-fourth part of the sum for which the surety so dead, or bankrupt or insolvent, or resident out of Canada, became security, to be recovered in any Court of competent jurisdiction, by action of debt, or information at the suit of the Crown;

Penalty for neglect.

3. And every such person who, upon the death, bankruptcy, insolvency, or residence out of Canada of any surety, neglects to give the security of another surety, to be approved in like manner as such surety dying or becoming bankrupt, insolvent or resident out of Canada, was approved, within such period from his having given notice of the death, bankruptcy or insolvency, or residence out of Canada of the former surety, as is by this Act limited for giving, registering and depositing the original security,—or neglects to register and deposit the bond or security of such new surety within such period from his having given the security of such new surety as is by this Act limited for the registering and depositing of the original bond or security (the same regard being had to the place in which the person may then be), shall be liable to forfeit the appointment, office, employment or commission, in respect whereof such new security ought to have been given, and such new bond or security registered and deposited, as aforesaid; and his appointment or commission shall be void from and after the time when the Governor declares the same to be avoided, in like manner, and under and subject to such provisions as aforesaid.

Neglect to provide new surety,

punishable by forfeiture of appointment.

7. When any person has become surety to the Crown for the due accounting for public moneys, or the proper performance of any public duty, by any such person as aforesaid, such surety, when no longer disposed to continue such responsibility, may give notice thereof to his principal, and also to the Secretary of State of Canada,—and all accruing responsibility on the part of such person as such surety shall cease at the expiration of one month from the receipt of the last of such notices; and the principal shall, within that period, give the security of another surety, and register and deposit the bond of such new surety, or in default of so doing shall be liable to forfeit and be deprived of the appointment, office, employment or commission in respect whereof such new security ought to have been given, and such new bond or security registered and deposited as aforesaid; and his appointment, or commission shall be void from and after the time when the Governor declares the same to be avoided, in like manner, and under and subject to such provisions as aforesaid.

How sureties of public officers may relieve themselves from further responsibility.

8. The Governor in Council may remit the forfeiture or penalty in any case in which the failure to give security or to register and deposit any bond or security under this Act has not arisen from any wilful neglect of the person bound to give register or deposit the same:—

Governor may remit penalty in certain cases.

2. And if it appears to the Governor that the period hereinbefore limited for giving the security of a new surety as aforesaid is, in consequence of particular accidents, casualties or circumstances, insufficient, or that by reason of the distance or loss of letters, or illness, or the refusal of any surety to give the security, or of such surety not being deemed eligible and being rejected, or any other accident or casualty, further time will be necessary to enable the security of such new surety to be given,—the Governor in Council may allow such further period for giving the security of such new surety as appears to him reasonable and proper;

Or may extend delay for giving security, &c.

3. But such extended period shall in no case exceed two months beyond the period allowed by this Act; and the precise period proposed

But not for more than two months, and

an entry must be made. to be allowed, together with the special grounds for allowing the same, shall be either entered in the book in which the original security has been registered or indorsed on the back of the original bond or other security itself; and the person required to give the security of such new surety shall not be subject to any forfeiture or penalty for not giving the same within the time limited by this Act if he gives it within the extended period so allowed as aforesaid. 5

Governor may approve of security given, &c., after time limited. 9. The Governor may approve of the security given, or the affidavit of qualification filed by any public officer of Canada, although the same has been given or filed after the time limited by this Act, and in such case the office or commission of such public officer shall be deemed not to have been avoided by such default, but to have remained and to remain in full force and effect. 10

Acts of public officers not void or voidable for delay in giving security, &c. 10. No act of any public officer of Canada whose security has been given, or registered, or deposited, or whose affidavit of qualification has been filed after the time limited by this Act, shall by such default be void or voidable. 14

Securities executed at different times within what delay to be registered. 11. Where the securities of the principal and sureties have been executed at different times (whether they were taken in one and the same bond, deed or other instrument, or in different ones), the period limited for registering and depositing such securities shall be estimated from the time of execution thereof by the person who was the last to execute the bond, deed or other instrument, or the last bond, deed or other instrument, as the case may be. 20

Neglect, &c., not to vacate bond or discharge surety. 12. No neglect, omission or irregularity, in giving or receiving the bonds or other securities, or in registering the same, within the periods or in the manner prescribed by this Act, shall vacate or make void any such bond or security, or discharge any surety from the obligations thereof. 25

Proper officer to register and deposit bonds even after delay expired, but no exemption from penalty to ensue. 13. All bonds or other securities hereby required to be registered and deposited, shall be registered and deposited by the proper officer, notwithstanding the period prescribed for registering and depositing the same has expired; but no such registering and depositing of any such bond or other security shall be deemed to waive any forfeiture or penalty, or shall exempt the person on whose behalf the same are registered and deposited from any forfeiture or penalty under any of the provisions of this Act. 30 35

Statements of bonds to be laid before Parliament. 14. The Secretary of State of Canada shall cause to be prepared, for the information of the Parliament of Canada, within fifteen days after the opening of every Session thereof, a detailed statement of all bonds or securities registered as aforesaid at his office, and of any changes or entries that have been made in reference to the names and residence of any sureties, and of the amounts in which they have become severally liable, since the period of the previous return submitted to the said Parliament. 40 45

Governor in Council may authorize security of certain Companies to be accepted for officers of Canada. 15. The Governor in Council may, by Order in Council, direct that whenever any public officer of Canada is required to give security as aforesaid, for the due performance of the trust reposed in him, and for his duly accounting for all public moneys entrusted to him or placed under his control, or for the due fulfilment in any way of his duty, or of any obligation undertaken towards the Crown, the Bond or Policy of Guarantee of the European Assurance Society, mentioned in the Imperial Act twenty-second Victoria, chapter twenty-five, or of any Incorporated or Joint Stock Company, incorporated and empowered for like purposes, named by such Order in Council, may be accepted as such security, upon such terms as shall be determined by the Governor in Council. 50 55

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Ist Session, 1st Parliament, 31 Vic., 1867-8.

G

BILL.

An Act respecting securities to be given by
Officers of Canada.

Received and read first time, Thursday,
12th March, 1868.
Second reading, Monday, 16th March, 1868.

Honorable Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY.

BILL.

An Act respecting Commissions, and Oaths of Allegiance and of Office.

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

COMMISSIONS.

1. Upon the demise of the Crown, it shall not be necessary to renew any commission by virtue whereof any Officer of Canada or any Functionary in Canada held his office or profession during the previous Reign—but a Proclamation shall be issued by the Governor, authorizing all persons in office as Officers of Canada who held commissions under the late Sovereign, and all Functionaries who exercised any profession by virtue of any such Commissions to continue in the due exercise of their respective duties, functions and professions ; and such Proclamation shall suffice, and the incumbents shall as soon thereafter as may be, take the usual and customary oath of allegiance, as hereinafter provided, before the proper officer or officers thereunto appointed.

No new Commissions need be issued at the commencement of a new reign. A proclamation continuing existing Commissions shall issue, and shall be sufficient.

2. And such Proclamation being issued, and oath taken, each and every such Officer of Canada and Functionary shall continue in the lawful exercise of the duties and functions of his office or profession, as fully as if appointed *de novo* by commission derived from the Sovereign for the time being ; and all acts and things *bonâ fide* done and performed by such incumbents in their respective offices, and in the due and faithful performance of their duties, functions and professions, between the time of such demise and the Proclamation so to be issued (such oath of allegiance being always duly taken), shall be deemed to be legally done, and valid accordingly.

Oath of allegiance to the new Sovereign being taken, acts done under Commissions between the demise of the Crown and the issuing of the Proclamation to be valid.

3. Nothing in the preceding section shall prejudice or in anywise affect the rights or prerogative of the Crown, with respect to any office or appointment derived or held by authority from it, nor prejudice or affect the rights or prerogatives thereof in any other respect whatsoever.

Saving of the rights of the Crown.

OATHS OF ALLEGIANCE AND OF OFFICE.

3. The following form and no other, shall be that of the Oath of Allegiance to be administered to and taken by every person in Canada who, either of his own accord or in compliance with any lawful requirement made on him, or in obedience to the directions of this Act or of any other Act or law in force in Canada, save and except the "British North America Act, 1867," desires to take an oath of allegiance, that to say :

Form of Oath of Allegiance to be used in Canada.

"I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria (*or reigning Sovereign for the time being*), as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Dominion of Canada, dependent on and belonging to the said Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies or attempts whatever, which shall be made against Her Person, Crown

“and Dignity, and that I will do my utmost endeavor to disclose and
 “make known to Her Majesty, Her Heirs or Successors, all treasons
 “or traitorous conspiracies and attempts which I shall know to be
 “against Her or any of them; and all this I do swear without any
 “equivocation, mental evasion or secret reservation, and renouncing 5
 “all pardons and dispensations from any person or power whatever to
 “the contrary. So help me God.” And all Magistrates and other
 Officers lawfully authorized, either by virtue of their office or special
 commission from the Crown for that purpose, may administer the oath
 of allegiance under this Act in any part of Canada; and it shall not 10
 be necessary for any person appointed to any civil office in Canada, or
 for any Mayor or other officer or member of any corporation therein, or
 for any person admitted, called or received as a Barrister, Advocate,
 Notary Public, Attorney, Solicitor or Proctor, to make any declaration
 or subscription, or to take or subscribe any other oath than the oath 15
 aforesaid, and also such oath for the faithful performance of the duties
 of his office, or for the due exercise of his profession or calling as is
 required by any law in that behalf.

Who may ad-
 minister it.

No declara-
 tion or sub-
 scription, and
 no other oath
 except that of
 office shall be
 necessary in
 certain cases.

Oaths to be
 taken subject
 to the provi-
 sions of law
 in such case.

4. The Oath of Allegiance hereinbefore set forth,—together with the
 Oath of Office or oath for the due exercise of any profession or calling, 20
 shall be taken within the period and in the manner, and subject to the
 disabilities and penalties for the omission thereof, by law provided with
 respect to such Oaths, in all such cases respectively.

AFFIRMATION OF ALLEGIANCE.

Affirmation
 instead of
 oath in cer-
 tain cases.
 Its effect.

5. All persons allowed by law to affirm instead of swearing in civil
 cases in any part of Canada shall be received to take an affirmation of 25
 allegiance in the like terms, *mutatis mutandis*, as the said oath of
 allegiance; and such affirmation of allegiance, taken before the proper
 officer, shall in all cases be accepted from such persons in lieu of such
 oath, and shall as to such affirmants have the like effect as the said oath
 of allegiance; all Magistrates and other officers lawfully authorized 30
 either by virtue of their office or by special Commission from the Crown
 for that purpose may administer the affirmation of allegiance in any
 part of Canada.

Who may ad-
 minister it.

NO RELIGIOUS TEST REQUIRED.

No person
 need take the
 Sacrament,
 &c., for any
 temporal pur-
 pose.

6. It shall not be necessary for any person, for the purpose of quali-
 fying himself to hold office under the Government of Canada, or for any 35
 other temporal purpose, privilege or advantage whatsoever within
 Canada, to receive the Sacrament of the Lord's Supper according to the
 rites and usages of the Church of England, or to deliver a certificate
 or make proof of his having received the said Sacrament in manner
 aforesaid; and no person shall be subject in Canada to any penalty, for- 40
 feiture, incapacity or disability whatsoever for or by reason of his not
 having so taken or received the said Sacrament.

No penalty
 incurred for
 not taking it.

1st Session, 1st Parliament, 31 Vic., 1

III

BILL.

An Act respecting Commissioners and
 of Allegiance and of Office.

Received and read, first time, 17
 12th March, 1868.
 Second reading, Monday, 16th Marc

Hon. Mr. CAMP

OTTAWA:

PRINTED BY HUNTER, ROSE & CO. M

BILL.

An Act respecting Inquiries concerning Public Matters.

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

5 1. Whenever the Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of Canada, or the conduct of any part of the Public business thereof or the administration of Justice therein, and such inquiry is not regulated by any special

10 Law, the Governor may, by the Commission in the case, confer upon the Commissioners or persons by whom such inquiry is to be conducted, the power of summoning before them any party or witnesses, and of requiring them to give evidence on oath, orally or in writing, (or on solemn affirmation if they

15 be parties entitled to affirm in civil matters) and to produce such documents and things as such Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine :

The Governor appointing Commissioners for inquiring into matters relative to the public business of Canada may empower them to receive evidence on oath.

20 2. The Commissioner or Commissioners shall then have the same power to enforce the attendance of such witnesses and to compel them to give evidence, as is vested in any Court of Law in Civil cases ; and any wilfully false statement made by any such witness on oath or solemn affirmation, shall be a misdemeanor punishable in the same manner as wilful and corrupt

25 perjury ; but no such party or witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution.

Power to examine witnesses on oath.

Wilful false statement to be perjury.

Proviso.

I.

BILL.

An Act respecting Inquiries concerning
Public Matters.

Received and read first time, Monday, 16th
March, 1868.

Second reading, Wednesday, 18th March,
1868.

Hon. Mr. CAMPBELL.

See following Bill 10.

(10)

Reprinted as amended.

BILL. as amended.

An Act respecting Aliens and Naturalization.

WHEREAS, the laws in force in the Provinces of Ontario Preamble.
and Quebec, in the Province of Nova Scotia, and in the
Province of New Brunswick, providing for the naturaliza-
tion of Aliens are various, and are local and limited in their
5 effects; and whereas it is expedient that one uniform provision
should be made for Canada with respect to the naturalization of
Aliens, saving always the rights, titles and claims of all persons,
according to the laws of each Province, at the time of the passing
of this Act; and whereas it is also expedient to provide that
10 the benefits heretofore obtained by any person by naturalization
in any part of Canada shall henceforth extend to and be avail-
able for such person in every other part of Canada: Therefore,
Her Majesty, by and with the advice and consent of the Senate
and House of Commons of Canada, enacts as follows:

LOCALLY NATURALIZED SUBJECTS OF HER MAJESTY.

15 **1.** Each and every person who, being by birth an Alien, had,
on or before the passing of this Act, become entitled to
the privileges of British birth, within any part of Canada,
by virtue of any general or special Act of Naturalization in
force in such part of Canada, shall hereafter be entitled to all
20 the privileges by this Act conferred on person naturalized
under this Act. Provincial naturalization extended to Dominion.

NATURALIZATION OF ALIENS.

25 **2.** Every Alien-born woman married to a natural-born Bri- Alien-born woman natu-
ralized by marriage with
subject.
tish subject, or person naturalized under the authority of this
Act or of any law either of the Province of Nova Scotia, or of
the Province of New Brunswick, or of the late Province of
Canada, or of the late Province of Upper Canada, or of the late
Province of Lower Canada, shall be deemed to be herself natu-
ralized, and shall have all the rights and privileges of a natural-
born British subject.

30 **3.** Every Alien (not being a woman married to a natural-born Other aliens
may become
naturalized by
residence, &c.
or naturalized British subject) now residing in, or who shall here-
after come to reside in any part of this Dominion with intent
to settle therein, and who after a continued residence therein
for a period of three years or upwards, has taken the oaths or

affirmations of residence and allegiance, and procured the same to be filed of record as hereinafter prescribed, so as to entitle him or her to a certificate of Naturalization as hereinafter provided, shall thenceforth enjoy and may transmit all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit. 5

Oath of residence to be taken for that purpose.

4. Every such Alien (not being a woman married to a natural-born or naturalized British subject) in order to become entitled to the benefit of this Act, shall take and subscribe the following Oath of Residence, or being one of those persons who are allowed by the Laws of this Province to affirm in judicial cases, shall make affirmation to the same effect, that is to say : 10

Oath of Residence.

“ I, A. B., do swear (or, being one of the persons allowed by Law to affirm in judicial cases, do affirm) that I have resided three years in this Dominion, with intent to settle therein, without having been during that time a stated resident in any foreign country. So help me God.” 15

And also oath of allegiance.

2. And every such Alien, in order to become entitled to the benefit of this Act, shall also take and subscribe the following Oath of Allegiance, (or being one of those persons who are allowed by the Laws of the Province, in which he or she then is to affirm in judicial cases, shall make affirmation to the same effect,) that is to say :

Oath of Allegiance.

“ I, A. B., do sincerely promise and swear (or, being one of the persons allowed by Law to affirm in judicial cases, do affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of the Dominion of Canada dependent on and belonging to the said United Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against Her Person, Crown and Dignity; and that I will do my utmost endeavour to disclose and make known to Her Majesty; Her Heirs and Successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Her or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary. So help me God.” 25 30 35 40

Judge before whom oaths

3. And every such oath or affirmation shall be taken and subscribed by such Alien, and may be administered to him or

her by any Judge of any Court of Record in that Province of Canada in which such Alien resides, which said Judge on being satisfied by evidence produced by such Alien, that he or she has been a resident of Canada, for a continuous period of three years or upwards, and is a person of good character, shall grant to such Alien a Certificate, setting forth that such Alien has taken and subscribed the said oath or affirmation, and that such Judge has reason to believe that such Alien has been so resident within Canada for a period of three years or upwards, that he or she is a person of good character, and that there exists to the knowledge of such Judge, no reason why such Alien should not be granted all the rights and capacities of a Natural-born British Subject.

are taken shall grant a certificate.

5. Such Alien may present the Certificate from such Judge, to the Court of Quarter Sessions of the Peace, or the Recorder's Court of the County or City within the jurisdiction of which he or she resides in Ontario, or to the Circuit Court in and for the Circuit within which he or she resides in Quebec, or to the Supreme Court if he or she resides in Nova Scotia, or to the Supreme Court of Judicature of New Brunswick, if he or she resides in New Brunswick, in open Court, on the first day of some general sitting of such Court, and thereupon such Court shall cause the same to be openly read in Court; And if during such general sitting the facts mentioned in such Judge's Certificate are not controverted, or any other valid objection made to the Naturalization of such Alien, such Court, on the last day of such general sitting, shall direct that such Certificate be filed of record in the said Court, and thereupon such Alien shall be thereby admitted and confirmed in all the rights and privileges of British birth, to all intents whatever, as if he or she had been born within Canada.

Judge's certificate to be presented and read in court and afterwards filed of record.

Effect of such filing.

6. Every such person shall be then entitled to receive a Certificate of Naturalization under the seal of such Court, and the signature of the Clerk thereof, that he or she hath complied with the several requirements of this Act; which Certificate of Naturalization may be in the following form, or to the like effect, that is to say:

Certificate of naturalization to be granted under seal of Court.

Dominion of Canada,
Province of
Circuit, (or County or City) of
to wit:
In the Court of

Whereas, A. B., of, &c. (describing him or her as formerly of such a place, in such a Foreign Country, and now of such a place in Canada, and adding his or her addition), hath complied with the several requirements of the Act respecting Aliens and Naturalization, and the certificate thereof has been read in open

Court, and thereupon, by order of the said Court, duly filed of record in the same, pursuant to the said Act; These are therefore to certify to all whom it may concern, that under and by virtue of the said Act, the said A. B. hath obtained all the rights and capacities of a Natural-born British Subject, to have, hold, possess and enjoy the same upon, from, and after the day of _____, (*the day of filing the Certificate of Residence*), in the year of our Lord, one thousand eight hundred and _____; and this Certificate thereof is hereby granted to the said A. B., according to the form of the said law. 10

Given under my Hand and the Seal of the said Court, this day of _____, in the year of our Lord, one thousand eight hundred and _____

(Signature,) C. D.
Clerk of the Peace, 15

(or Clerk of the Recorder's Court, or Clerk of the Circuit Court, or Clerk of the Supreme Court, as the case may be.)

Copy of certificate may be registered.

7. A copy of such Certificate of Naturalization may, at the option of the party, be registered in the Registry Office of any County or District or Registration Division within 20 Canada, and a certified copy of such Registry shall be sufficient evidence of such Naturalization in all Courts and places whatsoever.

Aliens entitled to be naturalized under former Acts may take oaths and obtain certificates under this Act.

8. Any Alien entitled, at the time of the passing of this Act, to be naturalized under the provisions of any of the Acts mentioned in the twelfth and fourteenth sections of this Act, may take the oaths or affirmations of Residence and of Allegiance, and obtain Certificates as aforesaid, in the same manner as Aliens entitled to be naturalized under the provisions of the fifth section of this Act, and with the same effect, to all intents and purposes. 30

Fees to be taken under this Act.

9. The Clerk of the Peace or Clerk of the Recorder's Court, or Clerk of the Circuit Court, or Clerk of the Supreme Court, shall, for reading and filing the Certificate of Residence, and preparing and issuing the Certificate of Naturalization under the Seal of the Court, be entitled to receive from such person the sum of one dollar, and no more;— And the Registrar shall, for recording the said last mentioned Certificate, be entitled to receive from such person, the sum of fifty cents, and a further sum of twenty-five cents for every search and certified copy of the same, and no more. 40

Privileges of naturalization under this Act to be subject to provisions of the Imperial Act.

10. The privileges of Naturalization imparted by this Act to the several classes of persons herein mentioned, are imparted to such persons respectively on the terms and conditions herein set forth, and are to be by such persons exercised and enjoyed, according to the true intent and meaning of an Act passed in the Parliament of the United Kingdom of Great 45

Britain and Ireland, in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for the Naturalization of Aliens*.

11. Nothing in this Act contained shall repeal or in any manner affect the Act of the Legislature of Upper Canada, passed in the fifty-fourth year of the Reign of His late Majesty King George the Third, intituled, *An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty*, or any proceedings had under the said Act.

Act of U. C. 54 G. 3, c. 9, not affected.

12. Nor shall any thing in this Act contained repeal or in any manner affect the Act passed in the session held in the fourth and fifth years of Her Majesty's reign, chapter seven, intituled, *An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of Natural-born British Subjects*, or the first, second or third section of the Act passed in the twelfth year of Her Majesty's reign, chapter one hundred and ninety-seven, intituled, *An Act to repeal a certain Act therein mentioned, and to make better provision for the Naturalization of Aliens*,—or impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person or by any other party by virtue of such naturalization, all which shall remain valid and be possessed and enjoyed by such person or party respectively.

This Act not to affect 4 & 5 V. c. 7, or sections 1, 2 or 3 of 12 V. c. 197, or any rights acquired under the same.

PENALTY FOR FALSE SWEARING.

13. Any person wilfully swearing falsely, or making any false affirmation under this Act, shall be deemed guilty of wilful and corrupt perjury, and shall, on conviction, in addition to any other punishment authorized by Law, forfeit all the privileges or advantages which he or she would otherwise, by making such oath or affirmation, have been entitled to under this Act, but the rights of others in respect to estates derived from or held under him or her, shall not thereby be prejudiced, excepting always such others as shall have been cognizant of the perjury at the time the title by which they claim to hold under him or her was created.

Penalty on persons swearing falsely.

14. The following Acts are hereby repealed, that is to say: The Act respecting the *Naturalization of Aliens*, forming the eighth chapter of the Consolidated Statutes of Canada, save and except the ninth section thereof, the thirty-fourth chapter of the Revised Statutes of Nova Scotia, third series, *Of the privileges and Naturalization of Aliens*, save and except the first, second and third sections thereof; the Act of the Legislature of New Brunswick, passed in the twenty-fourth year of Her Majesty's reign, chapter fifty-four, intituled: *An Act relating to the Naturalization of Aliens*; and the Act of the same Legislature passed in the twenty-eighth year of Her Majesty's reign, chapter five, intituled: *An Act to amend the Act relating to the*

Con. Stat. Can. c. 8, except sec. 9, chapter 34 of R. S. N. S. except sections 1, 2 and 3, acts of N. B. 24 V. c. 54, and 28 V. c. 5, repealed. Saving the rights of persons naturalized under the same.

Naturalization of Aliens ; but nothing in this section contained shall impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person, or by any other party, by virtue of such naturalization, all which shall remain valid, and be possessed and enjoyed by such person or party respectively. 5

1st Session, 1st Parliament, 31 Victoria, 1868.

J.

BILL.

An Act respecting Aliens and Naturalization.

(As amended by the Senate in Committee of the whole House.)

Hon. MR. CAMPBELL.

(10) J.

BILL.

An Act respecting Aliens and Naturalization.

WHEREAS, by the laws in force in the Provinces of Ontario and Quebec, Aliens have the same capacity to take, by descent or otherwise, hold, possess, enjoy, claim, recover, convey, devise, transmit, by descent or otherwise, and impart
 5 real estate in either of the said Provinces as natural-born or naturalized subjects of Her Majesty in the same Province; and whereas by the laws of the Province of Nova Scotia Aliens may take, hold, convey and transmit real estate, and no title to real estate is invalid on account of the alienage of any former
 10 owner or holder thereof, but no title or claim of any Alien, invalid or incapable of being enforced on account of Alienage, on the thirty-first day of March, eighteen hundred and fifty-four, has been confirmed or rendered valid by the effect of the Acts of the Legislature of that Province, in that behalf; and whereas
 15 there is no law of the Province of New Brunswick conferring upon Aliens any such capacity as aforesaid; and whereas the laws in force in the said Provinces providing for the naturalization of Aliens are various, and are local and limited in their effects; and whereas it is expedient that one uniform provision
 20 should be made for Canada with respect to the tenure and transmission of land by Aliens and to the naturalization of Aliens, saving always the rights, titles and claims of all persons, according to the laws of each Province, at the time of the passing of this Act; and whereas it is also expedient to provide that
 25 the benefits heretofore obtained by any person by naturalization in any part of Canada shall henceforth extend to and be available for such person in every other part of Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

TENURE AND TRANSMISSION OF REAL ESTATE BY ALIENS.

- 30 **1.** Every Alien shall have the same capacity to take, by purchase, inheritance or otherwise, and to hold, possess, enjoy, claim, recover, convey, devise and transmit by inheritance, real estate in all parts of Canada, as natural-born or naturalized subjects of Her Majesty in the same parts thereof respectively. Capacity of aliens with respect to real estate.
- 35 **2.** No title to real estate shall be invalid on account of the alienage of any former owner or holder thereof: Alienage not to vitiate title.
- 2.** Nothing in this Act contained shall have the effect of confirming or rendering valid the title or claim of any Alien or other person invalid or incapable of being enforced on account Saving clause.

of alienage, at the time of the passing of this Act, or shall otherwise alter, impair or affect, in any manner or way whatever, any right or title legally vested in or acquired by any person or persons whomsoever, before or at the time of the passing of this Act; but for and notwithstanding anything 5 in this Act contained, all such rights, titles and claims shall, in each Province of the Dominion, remain the same as they were, according to the laws in force in such Province, at the time of the passing of this Act.

LOCALLY NATURALIZED SUBJECTS OF HER MAJESTY.

Provincial naturalization extended to Dominion.

3. Each and every person who, being by birth an Alien, had, 10 on or before the passing of this Act, become entitled to the privileges of British birth, within any part of Canada, by virtue of any general or special Act of Naturalization in force in such part of Canada, shall hereafter be entitled to all the privileges in every part of this Dominion by this Act conferred. 15

NATURALIZATION OF ALIENS.

Alien-born woman naturalized by marriage with subject.

4. Every Alien-born woman married to a natural-born British subject, or person naturalized under the authority of this Act or of any law either of the Province of Nova Scotia, or of the Province of New Brunswick, or of the late Province of 20 Canada, or of the late Province of Upper Canada, or of the late Province of Lower Canada, shall be deemed to be herself naturalized, and shall have, within this Dominion, all the rights and privileges of a natural-born British subject.

Other aliens may become naturalized by residence, &c.

5. Every Alien (not being a woman married to a natural-born 25 or naturalized British subject) now residing in, or who shall hereafter come to reside in any part of this Dominion with intent to settle therein, and who after a continued residence therein for a period of three years or upwards, has taken the oaths or affirmations of residence and allegiance, and procured the 30 same to be filed of record as hereinafter prescribed, so as to entitle him or her to a certificate of Naturalization as hereinafter provided, shall thenceforth enjoy and may transmit, within this Dominion, all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit. 35

Oath of residence to be taken for that purpose.

6. Every such Alien (not being a woman married to a natural-born or naturalized British subject) in order to become entitled to the benefit of this Act, shall take and subscribe the following Oath of Residence, or being one of those persons who are allowed by the Laws of this Province to affirm in 40 judicial cases, shall make affirmation to the same effect, that is to say :

Oath of Residence.

“ I, A. B., do swear (*or, being one of the persons allowed by Law to affirm in judicial cases, do affirm*) that I have resided three years in this Dominion, with intent to settle therein, without having been during that time a stated resident in any foreign country. So help me God.”

2. And every such Alien, in order to become entitled to the benefit of this Act, shall also take and subscribe the following Oath of Allegiance, (or being one of those persons who are allowed by the Laws of the Province, in which he or she then is to affirm in judicial cases, shall make affirmation to the same effect,) that is to say :

And also oath of allegiance.

Oath of Allegiance.

“ I, A. B., do sincerely promise and swear (*or, being one of the persons allowed by Law to affirm in judicial cases, do affirm*) that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of the Dominion of Canada dependent on and belonging to the said United Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against Her Person, Crown and Dignity ; and that I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Her or any of them ; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary. So help me God.”

3. And every such oath or affirmation shall be taken and subscribed by such Alien, and may be administered to him or her by any Judge of any Court of Record in that Province of Canada in which such Alien resides, which said Judge on being satisfied by evidence produced by such Alien, that he or she has been a resident of Canada, for a continuous period of three years or upwards, and is a person of good character, shall grant to such Alien a Certificate, setting forth that such Alien has taken and subscribed the said oath or affirmation, and that such Judge has reason to believe that such Alien has been so resident within Canada for a period of three years or upwards, that he or she is a person of good character, and that there exists to the knowledge of such Judge, no reason why such Alien should not be granted all the rights and capacities of a Natural-born British Subject.

Judge before whom oaths are taken shall grant a certificate.

Judge's certificate to be presented and read in court and afterwards filed of record.

7. Such Alien may present the Certificate from such Judge, to the Court of Quarter Sessions of the Peace, or the Recorder's Court of the County or City within the jurisdiction of which he or she resides in Ontario, or to the Circuit Court in and for the Circuit within which he or she resides in 5 Quebec, or to the Supreme Court if he or she resides in Nova Scotia, or to the Supreme Court of Judicature of New Brunswick, if he or she resides in New Brunswick, in open Court, on the first day of some general sitting of such Court, and thereupon such Court shall cause the same to be openly 10 read in Court; And if during such general sitting the facts mentioned in such Judge's Certificate are not controverted, or any other valid objection made to the Naturalization of such Alien, such Court, on the last day of such general sitting, shall direct that such Certificate be filed of record 15 in the said Court, and thereupon such Alien shall be thereby admitted and confirmed in all the rights and privileges of British birth, to all intents whatever, as if he or she had been born within Canada.

Effect of such filing.

Certificate of naturalization to be granted under seal of Court.

8. Every such person shall be then entitled to receive a 20 Certificate of Naturalization under the seal of such Court, and the signature of the Clerk thereof, that he or she hath complied with the several requirements of this Act; which Certificate of Naturalization may be in the following form, or to the like effect, that is to say: 25

Dominion of Canada,
Province of
Circuit, (or County or City) of
to wit:

In the Court of

30

Whereas, A. B., of, &c. (*describing him or her as formerly of such a place, in such a Foreign Country, and now of such a place in Canada, and adding his or her addition*), hath complied with the several requirements of the *Act respecting Aliens and Naturalization*, and the certificate thereof has been read in open 35 Court, and thereupon, by order of the said Court, duly filed of record in the same, pursuant to the said Act; These are therefore to certify to all whom it may concern, that under and by virtue of the said Act, the said A. B. hath obtained all the rights and capacities of a Natural-born British Subject within Canada, 40 to have, hold, possess and enjoy the same within the limits thereof, upon, from and after the day of , (*the day of filing the Certificate of Residence*), in the year of our Lord, one thousand eight hundred and ; and this Certificate thereof is hereby granted to the said A. B., accord- 45 ing to the form of the said law.

Given under my Hand and the Seal of the said Court, this
day of _____, in the year of our Lord, one thousand
eight hundred and _____

5 (Signature,) C. D.
Clerk of the Peace,

(or Clerk of the Recorder's Court, or Clerk of the Circuit
Court, or Clerk of the Supreme Court, as the case may be.)

9. A copy of such Certificate of Naturalization may, at
the option of the party, be registered in the Registry Office of
10 any County or District or Registration Division within
Canada, and a certified copy of such Registry shall be suffi-
cient evidence of such Naturalization in all Courts and places
whatsoever.

Copy of certi-
ficate may be
registered.

10. Any Alien entitled, at the time of the passing of this Act,
15 to be naturalized under the provisions of any of the Acts men-
tioned in the fourteenth and sixteenth sections of this Act, may
take the oaths or affirmations of Residence and of Allegiance,
and obtain Certificates as aforesaid, in the same manner as
Aliens entitled to be naturalized under the provisions of the
20 fifth section of this Act, and with the same effect, to all in-
tents and purposes.

Aliens entitled
to be natura-
lized under
former Acts
may take
oaths and ob-
tain certifi-
cates under
this Act.

11. The Clerk of the Peace or Clerk of the Recorder's
Court, or Clerk of the Circuit Court, or Clerk of the Supreme
Court, shall, for reading and filing the Certificate of Resi-
25 dence, and preparing and issuing the Certificate of Natu-
ralization under the Seal of the Court, be entitled to receive
from such person the sum of one dollar, and no more;—
And the Registrar shall, for recording the said last mentioned
Certificate, be entitled to receive from such person, the sum of
30 fifty cents, and a further sum of twenty-five cents for every
search and certified copy of the same, and no more.

Fees to be
taken under
this Act.

12. The privileges of Naturalization imparted by this Act
to the several classes of persons herein mentioned, are imparted
to such persons respectively on the terms and conditions
35 herein set forth, and are to be by such persons exercised and
enjoyed within the limits of Canada, according to the true
intent and meaning of an Act passed in the Parliament of
the United Kingdom of Great Britain and Ireland, in the tenth
and eleventh years of Her Majesty's Reign, and intituled, *An*
40 *Act for the Naturalization of Aliens.*

Privileges of
naturalization
under this Act
to be subject
to provisions
of the Impe-
rial Act.

13. Nothing in this Act contained shall repeal or in any
manner affect the Act of the Legislature of Upper Canada,
passed in the fifty-fourth year of the Reign of His late Majesty
King George the Third, intituled, *An Act to declare certain*
45 *persons therein described Aliens, and to vest their estates in His*
Majesty, or any proceedings had under the said Act.

Act of U. C.
54 G. 3, c. 9,
not affected.

This Act not to affect 4 & 5 V. c. 7, or sections 1, 2 or 3 of 12 V. c. 197, or any rights acquired under the same.

14. Nor shall any thing in this Act contained repeal or in any manner affect the Act passed in the session held in the fourth and fifth years of Her Majesty's reign, chapter seven, intituled, *An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of Natural-born British Subjects*, or the first, second or third section of the Act passed in the twelfth year of Her Majesty's reign, chapter one hundred and ninety-seven, intituled, *An Act to repeal a certain Act therein mentioned, and to make better provision for the Naturalization of Aliens*,—or impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person or by any other party by virtue of such naturalization, all which shall remain valid and be possessed and enjoyed by such person or party respectively.

PENALTY FOR FALSE SWEARING.

Penalty on persons swearing falsely.

15. Any person wilfully swearing falsely, or making any false affirmation under this Act, shall be deemed guilty of wilful and corrupt perjury, and shall, on conviction, in addition to any other punishment authorized by Law, forfeit all the privileges or advantages which he or she would otherwise, by making such oath or affirmation, have been entitled to under this Act, but the rights of others in respect to estates derived from or held under him or her, shall not thereby be prejudiced, excepting always such others as shall have been cognizant of the perjury at the time the title by which they claim to hold under him or her was created.

Con. Stat. Can. c. 8, except sec. 9, chapter 34 of R. S. N. S. except sections 1, 2 and 3, acts of N. B. 24 V. c. 54, and 28 V. c. 5. repealed. Saving the rights of persons naturalized under the same.

16. The following Acts are hereby repealed, that is to say: The Act *respecting the Naturalization of Aliens*, forming the eighth chapter of the Consolidated Statutes of Canada, save and except the ninth section thereof, the thirty-fourth chapter of the Revised Statutes of Nova Scotia, third series, *Of the privileges and Naturalization of Aliens*, save and except the first, second and third sections thereof; the Act of the Legislature of New Brunswick, passed in the twenty-fourth year of Her Majesty's reign, chapter fifty-four, intituled: *An Act relating to the Naturalization of Aliens*; and the Act of the same Legislature passed in the twenty-eighth year of Her Majesty's reign, chapter five, intituled: *An Act to amend the Act relating to the Naturalization of Aliens*; but nothing in this section contained shall impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person, or by any other party, by virtue of such naturalization, all which shall remain valid, and be possessed and enjoyed by such person or party respectively.

1862

February 10, 1862

1862

Resolved, That the sum of \$100,000

be

applied to the purchase of land

and

to

the

purpose

J.

BILL.

An Act respecting Aliens and Naturali-
zation.

Received and read first time, Monday,
16th March, 1868.

Second reading, Thursday, 19th March,
1868.

Hon. MR. CAMPBELL.

BILL.

An Act to facilitate the winding up of the affairs of Incorporated Companies.

WHEREAS it is expedient, for the benefit of the Creditors and also of the Members of such Companies as are hereinafter mentioned, to provide a mode whereby the affairs of such Companies may be wound up speedily, and not expensively, when a necessity therefor arises;—

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

1. The word "Company," when used in this Act, shall be construed to mean and include any Company incorporated by or under any Act of the Parliament of the Dominion of Canada, and also any Company, not
10 being a Company with Provincial objects according to the true intent and meaning of the ninety-second Section of the British North America Act, 1867, incorporated before the first day of July 1867, by or under any Act of any Provincial Parliament or Legislature in any part of what is now Canada, and also any Company incorporated or to be
15 incorporated by or under any Act of any of the heretofore Provinces of Canada, Upper Canada, or Lower Canada, or of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, which shall be insolvent within the meaning of this Act.

2. The word "Court," when used in this Act, shall be construed to
20 mean the Court of Chancery for Upper Canada when proceedings shall be taken under its provisions in Ontario, the Superior Court for Lower Canada when proceedings shall be taken thereunder in Quebec, the Court of the Equity Judge, when proceedings shall be taken thereunder in Nova Scotia, and the Supreme Court of Judicature of New
25 Brunswick when proceedings shall be taken thereunder in New Brunswick; and each of such Courts shall have exclusive jurisdiction for the purposes of this Act over all Companies coming within its purview, whose chief place of business is within the territorial limits of the ordinary jurisdiction of such Court.

30 2. Provided, always, that the powers of a Curator appointed in one Province, as hereinafter provided, shall extend over any assets of the Company, in respect of which he shall have been so appointed, which may be found in any other Province, in which he shall have all the rights and powers required to perform his duties in conformity with
35 this Act.

3. The term "contributory" shall mean every person liable to contribute to the assets of a Company, under this Act, in the event of the same being wound up; it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings
40 prior to the final determination of such persons, include any person alleged to be a contributory.

4. A Company may be wound up under this Act by the Court—

1. Whenever the Company at a general meeting has passed a special resolution, concurred in by a majority in number and value of the
45 shareholders therein, requiring the Company to be wound up by the Court.

2. Whenever the Company has forfeited its Charter by non-user or otherwise, or suspended its business for the space of a whole year, or has become dissolved by effluxion of time;

3. Whenever the Company is insolvent;

4. Whenever three-fourths of the Capital of the Company has been 5
lost or become unavailable.

5. Whenever the Members are reduced in number below the number required to form such a Company by the terms of the Act under which the Company was formed, if it was formed under a general Act, or below five if it was incorporated by a special Act. 10

6. Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

5. A Company shall be deemed to be insolvent within the meaning of this Act—

1. Whenever any writ of execution against such Company, addressed 15
to the Sheriff of the County or District in which the chief place of business of such Company is situate is returned unsatisfied in whole or in part.

2. Whenever it is proved to the satisfaction of the Court that it is 20
unable to pay its debts.

6. Any application for the winding up of any Company, shall be by petition, filed in the office of the Registrar or proper Clerk or Prothonotary of the Court, and shall be verified by affidavit or other sufficient evidence; and in cases where the Company is insolvent, such petition may be filed, either by a creditor whose debt has remained unsatisfied, 25
after such proceedings as aforesaid taken to compel payment thereof, or by any member of the Company, liable to become a contributory towards the payment of its debt; but when any ground other than insolvency is alleged for the winding up of the Company, such contributory alone shall be entitled to make such application. 30

7. Notice of the filing of such petition, and of the day on which such petition is to be presented for hearing thereof before the Court, shall be served upon the Company, at least ten days before such presentation thereof, and shall also be given by advertisement, to be twice inserted in the *Gazette* published by authority in the Province, and twice 35
in some newspaper published at the place where the chief place of business of the Company is situate; or, in case no newspaper be published at such place, then, in the newspaper whose office of publication is nearest thereto; Provided always, that the Court may, at the hearing of the petition, direct the same to stand over, and order such further 40
notice to be given, as to the Court shall seem meet; Provided also, that the Court may, in its discretion, proceed upon the production of the *Gazette*, with such notice as aforesaid, in case no better service, after due diligence, can, in the opinion of the Court, be effected within a reasonable time. 45

8. Service of any notice, order, rule or writ, in, or incident to, or preliminary to any proceeding under this Act, against or in respect of any Company, may be made upon such Company, by leaving a copy thereof, at the chief place of business of such Company, with any grown person in charge thereof, or elsewhere with the President or Secretary there- 50
of; or if the Company have no known place of business, or be without any known President or Secretary, then, upon a statement to that effect being made under oath to the Court having the requisite jurisdiction, such Court shall order the publication for one month in some local newspaper, of such notice, order, rule or writ, or the substance 55
thereof respectively, which publication shall be held to be due service thereof.

9. A winding up of a Company by the Court shall be deemed to

commence at the time of the presentation of the petition for the winding up.

10. Where any Company is being wound up by the Court, all dispositions of the property, effects and things in action of the Company, and every transfer of shares or alteration in the status of the Members of the Company made between the commencement of the winding up and the order for winding up shall, unless the Court otherwise orders, be void.

11. Where any company is being wound up by the Court, any attachment, sequestration, distress or execution put in force against the estate or effects of the Company after the commencement of the winding up, shall be void to all intents.

12. The Court may, at any time after the presentation of a petition for winding up a Company under this Act, and before making an Order for winding up the Company, upon the application of the Company, or of any creditor or contributory of the Company, restrain further proceedings in any action, suit or proceeding against the Company, subject to such provision as to future costs and upon such terms as the Court thinks fit.

2. And the Court may also, at any time after the presentation of such petition, and before the first appointment of a Curator of the Company, appoint provisionally a Curator of the estate and effects of the Company.

3. Upon hearing the petition the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order, or any other order that it deems just.

13. Upon the hearing of any petition for the winding up of any Company, filed by such creditor or contributory as aforesaid, the Court may make an order for the winding up of the Company, and shall therein fix a day for the appointment of a Curator to such Company, and shall therein require the creditors and members of such Company to appear before any Judge of such Court, on such day, to give their advice as to such appointment; and as soon as may be after making an order for winding up a Company, the Court shall settle a list of the contributories to the Company; and such Judge shall, on such day, after hearing any suggestion made by any creditor or contributory, but without being bound by any such suggestion, nominate and appoint a Curator of such Company; and in the event of such Curator neglecting to put in security, as hereinafter provided, or refusing to accept such appointment, or resigning the same, or becoming incompetent, by reason of death, absence from the jurisdiction, removal by the Court, or other cause, to perform the duties thereof, another and other appointments of a Curator may be, from time to time, made in like manner to the first appointment.

14. When an order has been made for winding up a Company, under this Act, a copy of such order shall forthwith be forwarded by the Company to the Secretary of State of Canada, who shall make a minute thereof in a book to be kept by him for that purpose; and if the Company have been formed under any general Act, by the acknowledging and receiving or filing and entering of any statement or declaration before and by, or by the making and filing in the office of, any Mayor, Registrar or other public officer, then another copy of such order shall forthwith be forwarded by the Company to such Mayor, Registrar or other public officer, who shall make a minute thereof in any book in which he may have entered or transcribed the statement or declaration of the formation of the Company, or otherwise file the same with the duplicate of such declaration.

15. When an order has been made for winding up a Company, all suits against the Company shall be stayed, unless the Court, on application to that effect by the Plaintiff, and after notice to the Curator, authorizes the Plaintiff to proceed with such suit; and such order may be made subject to such provision as to future costs as the Court may think fit to make; and no member or officer of the Company shall, after such order has been made as aforesaid, dispose of any of the property or effects of the Company; and no subsequent transfer of any share or interest in the Company shall be valid. 5

16. Where an order has been made for winding up a Company by the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just; and any books and papers in the possession of the Company may be inspected by creditors or contributories in conformity with the order of the Court, but not further or otherwise. 15

17. The Court may, at any time after an order has been made for winding up a Company, upon the application by motion of any creditor or contributory of the Company, and upon proof, to the satisfaction of the Court, that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit. 20

18. Such Curator shall give such description and amount of security for the due performance of his duties, as the Court, or any Judge thereof in Chambers may determine, and may be called upon by the Court from time to time to substitute and give, and he shall thereupon give fresh or additional security, and upon the completion of such security shall become and be vested, in his capacity of Curator, with all moneys and securities for money, documents, papers, books of account, estate, effects and assets of the Company generally, and shall have power forthwith thereupon as such Curator to take possession thereof, and in his said capacity to institute and maintain any kind of action, attachment or proceeding for obtaining and maintaining possession of such estate and effects, and of every part and portion thereof, which could be instituted or maintained by such Curator if he were the absolute and unconditional proprietor thereof; And a copy of the order appointing such Curator, authenticated in the manner usual in the Court wherein it shall be made, shall be *prima facie* evidence of such appointment and of such security having been given. 25 30 35

2. And all powers vested in any Company being wound up under this Act, which such Company might legally execute for its own benefit, shall vest in and be executed by the Curator to such Company, in like manner and with like effect as they were vested in such Company, and might have been executed by it. 40

19. The Curator so appointed shall, as soon as possible, without unreasonable sacrifice thereof, convert the personal or moveable assets into money and collect the outstanding debts and unpaid stock-subscriptions due to the Company, and for that purpose may sue or be sued in his name as such Curator, and may sell, in the manner he may deem most advantageous, all personal or moveable property of the Company, and subject to an order of the Court to be obtained in that behalf, may refer debts or claims to arbitration, or compound or compromise the same; and as to the real or immoveable property thereof, the same shall be sold by such Curator, when so ordered by the Court, after such publications and notices, and after the expiration of such time as the Court in such order shall appoint, and when regularly made, such sale shall have the same effect as if made by the authority of Justice in the place where such real or immoveable property is situate. 45 50 55

2. In case any work such as a Railway, pier, road, harbour or wharf constructed by any Company be sold under this Act, the sale shall be

deemed to pass such work to the purchaser thereof with the right of using the same, or permitting the same to be used, for the benefit of or by the public, upon the same terms and conditions as those upon which the Company could have used the same or permitted it to be used, and subject to the same liabilities, and subject to all the duties and obligations, which the law gave or imposed with reference to such work whilst the same continued the property of the Company.

20. The proceeds of the realization of the assets and debts of such Company shall, from time to time, be paid into Court with the privity of the Registrar, or proper Clerk or Prothonotary of the Court; and an account current between the Company and the Curator, sworn to by such Curator, shewing the amount so paid in, shall, at the same time be filed with the Registrar, Clerk or Prothonotary aforesaid, and the balance shown thereby paid in as aforesaid, at intervals not exceeding one month; and previous to the special order hereinafter mentioned, any creditor of the Company may file his claim either in the hands of the Curator, or in the office of the Court by which such Curator shall have been appointed; and such claim may be in effect in the form of Schedule (A) to this Act appended; and any claim so filed in the hands of the Curator shall be returned into the Court with the next subsequent statement of account to be made by such Curator.

21. Whenever the amount of moneys realized from the assets of any Company shall appear to the Court to warrant a dividend thereof, the Court shall make an order to call in the creditors of the Company, and to require them to file their claims in the office of the Registrar or proper Clerk or Prothonotary of such Court, on or before a day to be fixed by such order; and notice of such order or the substance thereof shall be twice inserted in the *Gazette*, published by authority in the Province, and twice in some newspaper published in the County or District wherein the chief place of business of such Company shall have been situate; Provided always, that in Quebec every such notice or the substance thereof shall be published in the *Gazette*, published by authority in the Province, and in such local newspaper or newspapers, both in the French and English languages; and after the expiration of the time so limited, the Court shall proceed to the distribution of the money so realized, according to the rights of the claimants thereon, in Quebec, in the manner recognized by law for the distribution of the moneys of a vacant estate in the hands of a Curator, and in Ontario in the manner in which such assets are, or but for this Act would be, distributed by the Court of Chancery.

22. The Curator of any Company appointed in manner aforesaid shall be an officer of the Court appointing him, subject to the summary jurisdiction of that Court as to all matters, things and duties confided to and imposed upon him by this Act, and his accounts shall be subject to contest, the performance of his duties to be enforced, and his acts in his said capacity restrained and regulated in every respect, only on summary application by petition or motion to the Court which appointed him, and he shall be liable to be removed by the Court for misconduct or want of sufficient security, or may resign; and during any vacancy in the office of Curator, all the property of the Company shall be deemed to be in the custody of the Court.

23. When the bringing or defending of any suit or the doing of any Act, in the winding up of any Company shall or may be attended with more cost than the Curator thereof shall consider it expedient to expend or to risk, and any application be made to compel him to bring or defend such suit or to do such act, the Court may order such Curator to bring or defend such suit, or to do such act, as the case may be, but on the condition only that the applicant shall give good and sufficient security to such Curator for the payment to him of any costs which may be incurred by him in obedience to such order.

24. The Court may, at any time, and from time to time, after the appointment of such Curator as aforesaid, make calls on all or any of the contributories to the extent of their respective liabilities, for payment of all or any of the sum or sums for which they are liable, under what is known as the "double liability" clause of the Act of Incorporation or otherwise howsoever, and in the proportion in which the contributories are so liable, and to the amount thereof which the Court may deem necessary to satisfy the debts of the Company, and the costs, charges and expenses of winding it up; and it may, in making such calls, take into consideration the probability of some assets, not yet collected, being realized, and some liabilities, not yet ascertained, becoming debts, and also the probability that some of the contributories upon whom the same are made may partly or wholly fail to pay their respective portions of the same. 5 10

25. The liability of any contributory under this Act in the event of a Company being wound up shall create a debt in the nature of a specialty accruing due from such person at the time when such liability commenced, but payable only at the time or respective times when calls are made, as herein mentioned, for enforcing such liability; and it shall be lawful, in the case of the insolvency of any contributory, to prove against his estate the estimated value of his liability to future calls, as well as calls already made. 15 20

26. No contributory to any company in process of being wound up under this Act, shall be entitled to set off any claim he may have against such Company by way of set-off to the unpaid balance of stock held by him in such Company, or plead such claim in compensation of such balance, unless previous to the insolvency of the Company, such set-off shall have been allowed and credited to him on the books of the Company on account of such unpaid balance, in the ordinary course of its business, or unless by the law of the place where such Company has its chief place of business such compensation was complete, or such set-off enforceable, before the insolvency. 25 30

27. If there be any surplus of the funds realized from the assets of any Company, after the payment of all the creditors thereof in full, the same shall first be devoted to the adjustment of the rights of the contributories among themselves, and afterwards shall be distributed *pro rata* among the contributories. 35

28. When the affairs of the Company have been completely wound up, the Court shall make an order declaring the Company to be dissolved from the date of such order, and thereupon the Company shall be dissolved accordingly. 40

29. Any order so made shall be reported by the Curator to the Secretary of State of Canada, who shall make a minute accordingly in the book in which the order for winding up the Company is recorded, of the dissolution of such Company; and if the Company have been formed under any general Act by the acknowledging and receiving, or filing and entering of any statement or declaration before and by, or by the making and filing in the office of, any Mayor, Registrar or other public officer, then such order shall also be reported by the Curator to such Mayor, Registrar or other public officer, who shall make a minute thereof in the book in which he made a minute of the order for winding up the Company. 45 50

30. If the Curator makes default in reporting to the Secretary of State, or to such Mayor, Registrar, or other public officer, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding for every day during which he is so in default. 55

POWERS OF THE COURT.

31. The Court may, as to all matters relating to the winding up, have regard to the wishes of the creditors or contributories, as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs for the purpose of
5 ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

2. In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories, to the
10 number of votes conferred on each contributory by the Act of Incorporation or other instrument by which the Company was created or by the by-laws of the Company.

32. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate
15 of the Company, of the costs, charges and expenses incurred in winding up any Company, in such order of priority as the Court thinks just.

33. The Court may, as often as circumstances require, make such rules concerning the mode of proceeding to be pursued for winding up a Company, and such tariff of fees applicable to all proceedings under
20 this Act, as from time to time may seem necessary or convenient; and until such rules and tariff are made, it shall be competent to the Court to make any order it may deem just, and which shall not be inconsistent with this Act, for winding up any Company, and for the proceedings necessary therefor under this Act; and any power or direction contained in any such order shall be deemed to have been fully authorized
25 by this Act.

34. Any Judge of the Courts mentioned in section two of this Act, may do in Chambers any act which the Court of which he is a Judge is hereby authorized to do.

30 2. For the purposes of this section, Chief Justices, Chancellors, and Vice Chancellors are to be deemed Judges of their respective Courts.

ENFORCEMENT OF ORDERS.

35. Any order made by the Court in any Province, for or in the course of the winding up of a Company under this Act, shall be enforced in any other Province, in the Court that would have had jurisdiction in
35 respect of such Company if the chief place of business of the Company had been situate in such other Province, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

36. Where an order made by one Court is required to be enforced by
40 another Court, as hereinbefore provided, an office copy of such order shall be produced to the proper officer of the Court required to enforce the same; and the production of such office copy shall be sufficient evidence of such order having been made; and thereupon such last mentioned Court shall take such steps in the matter as may be requisite for enforcing
45 such order, in the same manner as if it were the order of the Court enforcing the same.

37. The word "order" in the two next preceding sections of this Act shall mean also and include any Interlocutor, Decree or Judgment; and in all proceedings under the said sections, all Courts, Judges and
50 persons judicially acting, and all other officers, judicial or ministerial, of any Court or employed in enforcing the process of any Court, shall take judicial notice of the signature of any officer of any other Court

having jurisdiction under this Act, and also of the official seal or stamp of the several offices of such other Courts, when such seal or stamp is appended to or impressed upon any document made, issued or signed under the provisions of the said sections, or any official copy thereof.

MISCELLANEOUS PROVISIONS.

38. The Curator shall be described by the style of the Curator of the particular Company in respect of which he is appointed, and not by his individual name. 5

39. There shall be paid to the Curator such salary or remuneration, by way of percentage or otherwise, as the Court may direct.

40. Where any Company is being wound up by the Court, all books, 10 accounts and documents of the Company and of the Curator shall, as between the contributories of the Company be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

41. Any person to whom any thing in action belonging to the Company is assigned in pursuance of this Act, may bring or defend any action 15 or suit relating to such thing in action in his own name.

42. In the event of any Company being wound up under this Act, all debts payable on a contingency, and all claims against the Company, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible to proof against the Company, a just 20 estimate being made by the Curator, so far as is possible, of the value of all such debts or claims as may be subject to any contingency or sound only in damages, or for some other reason do not bear a certain value.

43. Any such contract, conveyance, sale, deposit, pledge, transfer, 25 purchase, mortgage, delivery of goods, payment, execution or other act relating to property as would, if made or done in Quebec by or against any individual trader, or in Ontario by or against any individual whether a trader or non-trader, be deemed in the event of his insolvency, to have been made or done by way of undue or fraudulent preference 30 of the creditors of such individual, and with intent to defraud such creditors, shall, if made or done in Ontario or Quebec against or by any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such company, and shall be 35 invalid accordingly; and for the purposes of this section, the presentation of a petition for winding up a Company shall be deemed to correspond with the execution of a deed of assignment or the issuing of a writ of attachment in the case of such an individual.

44. Where, in the course of the winding up of any Company under this 40 Act, it appears that any past or present Director, Manager, or Curator, or any officer of such Company has misapplied or retained in his own hands, or become liable or accountable for any moneys of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any Curator, or of any 45 creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such Director, Manager or other officer, and compel him to repay any moneys so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as 50 the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misapplication, retainer, misfeasance or breach of trust as the Court thinks just.

1st Session, 1st Parliament, 31 Victoria, 1867.

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BILL.

An Act to facilitate the winding up of the affairs of Incorporated Companies.

*Reprinted as amended by the Senate
in Committee of the whole House.*

Honorable Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act to facilitate the winding up of the affairs of Incorporated Companies.

WHEREAS it is expedient, for the benefit of the Creditors and also Preamble.
of the Members of such Companies as are hereinafter mentioned,
to provide a mode whereby the affairs of such Companies may be wound
up speedily, and not expensively, when a necessity therefor arises;—

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

1. The word "Company," when used in this Act, shall be construed to Meaning of
mean and include any Company incorporated by or under any Act of "Company."
the Parliament of the Dominion of Canada, and also any Company, not
10 being a Company with Provincial objects according to the true intent
and meaning of the ninety-second Section of the British North America
Act, 1867, incorporated before the first day of July 1867, by or under
any Act of any Provincial Parliament or Legislature in any part of
what is now Canada.

15 2. The word "Court," when used in this Act, shall be construed to Meaning of
mean the Court of Chancery for Upper Canada when proceedings "Court."
shall be taken under its provisions in Ontario, the Superior Court for
Lower Canada when proceedings shall be taken thereunder in Quebec,
the Supreme Court when proceedings shall be taken thereunder in Nova
20 Scotia, and the Supreme Court of Judicature of New Brunswick when
proceedings shall be taken thereunder in New Brunswick; and the
jurisdiction of such Courts respectively under this Act, shall be deter-
mined by the situation in such Provinces respectively, of the chief
places of business of the respective Companies to be wound up under
25 this Act;

2. Provided, always, that the powers of a Curator appointed in one Proviso.
Province, as hereinafter provided, shall extend over any assets of the
Company, in respect of which he shall have been so appointed, which
may be found in any other Province, in which he shall have all the
30 rights and powers required to perform his duties in conformity with
this Act.

3. The term "contributory" shall mean every person liable to con- Meaning of
tribute to the assets of a Company, under this Act, in the event of the "Contribu-
same being wound up; it shall also, in all proceedings for determining tory."
35 the persons who are to be deemed contributories, and in all proceedings
prior to the final determination of such persons, include any person
alleged to be a contributory.

4. A Company may be wound up under this Act by the Court— When any

1. Whenever the Company at a general meeting has passed a special Company
40 resolution, concurred in by a majority in number and value of the may be
shareholders therein, requiring the Company to be wound up by the wound up un-
Court. der this Act.

2. Whenever the Company has forfeited its Charter by non-user or otherwise, or suspended its business for the space of a whole year, or has become dissolved by effluxion of time;

3. Whenever the Company is insolvent;

4. Whenever three-fourths of the Capital of the Company has been lost or become unavailable.

5. Whenever the Members are reduced in number below the number required to form such a Company by the terms of the Act under which the Company was formed, if it was formed under a general Act, or below five if it was incorporated by a special Act.

6. Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

When any Company shall be deemed insolvent.

5. A Company shall be deemed to be insolvent within the meaning of this Act—

1. Whenever any writ of execution against such Company, addressed to the Sheriff of the County or District in which the chief place of business of such Company is situate is returned unsatisfied in whole or in part.

2. Whenever it is proved to the satisfaction of the Court that it is unable to pay its debts.

Application for winding up of Company.

6. Any application for the winding up of any Company, shall be by petition, filed in the office of the Registrar or proper Clerk or Prothonotary of the Court, and shall be verified by affidavit or other sufficient evidence; and in cases where the Company is insolvent, such petition may be filed, either by a creditor whose debt has remained unsatisfied, after such proceedings as aforesaid taken to compel payment thereof, or by any member of the Company, liable to become a contributory towards the payment of its debt; but when any ground other than the non-payment of debt is alleged for the winding up of the Company, such contributory alone shall be entitled to make such application.

Notice of filing of petition

7. Notice of the filing of such petition, and of the day on which such petition is to be presented for hearing thereof before the Court, shall be served upon the Company, at least ten days before such presentation thereof, and shall also be given by advertisement, to be twice inserted in the *Gazette* published by authority in the Province, and twice in some newspaper published at the place where the chief place of business of the Company is situate; or, in case no newspaper be published at such place, then, in the newspaper whose office of publication is nearest thereto; Provided always, that the Court may, at the hearing of the petition, direct the same to stand over, and order such further notice to be given, as to the Court shall seem meet; Provided also, that the Court may, in its discretion, proceed upon the production of the *Gazette*, with such notice as aforesaid, in case no better service, after due diligence, can, in the opinion of the Court, be effected within a reasonable time.

Proviso.

Proviso.

Service of process on Company.

8. Service of any notice, order, rule or writ, in, or incident to, or preliminary to any proceeding under this Act, against or in respect of any Company, may be made upon such Company, by leaving a copy thereof, at the chief place of business of such Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof; or if the Company have no known place of business, or be without any known President or Secretary, then, upon a statement to that effect being made under oath to the Court having the requisite jurisdiction, such Court shall order the publication for one month in some

local newspaper, of such notice, order, rule or writ, or the substance thereof respectively, which publication shall be held to be due service thereof.

9. A winding up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding up.

Commencement of winding up.

10. Where any Company is being wound up by the Court, all dispositions of the property, effects and things in action of the Company, and every transfer of shares or alteration in the status of the Members of the Company made between the commencement of the winding up and the order for winding up shall, unless the Court otherwise orders, be void.

Subsequent dispositions of property, &c., to be void.

11. Where any company is being wound up by the Court, any attachment, sequestration, distress or execution put in force against the estate or effects of the Company after the commencement of the winding up, shall be void to all intents.

Subsequent attachments, &c., to be also void.

12. The Court may, at any time after the presentation of a petition for winding up a Company under this Act, and before making an Order for winding up the Company, upon the application of the Company, or of any creditor or contributory of the Company, restrain further proceedings in any action, suit or proceeding against the Company, subject to such provision as to future costs and upon such terms as the Court thinks fit.

Court may restrain the proceedings in actions, &c.

2. And the Court may also, at any time after the presentation of such petition, and before the first appointment of a Curator of the Company, appoint provisionally a Curator of the estate and effects of the Company.

3. Upon hearing the petition the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order, or any other order that it deems just.

13. Upon the hearing of any petition for the winding up of any Company, filed by such creditor or contributory as aforesaid, the Court may make an order for the winding up of the Company, and shall therein fix a day for the appointment of a Curator to such Company, and shall therein require the creditors and members of such Company to appear before any Judge of such Court, on such day, to give their advice as to such appointment; and such Judge shall, on such day, after hearing any suggestion made by any creditor or contributory, but without being bound by any such suggestion, nominate and appoint a Curator of such Company; and in the event of such Curator neglecting to put in security, as hereinafter provided, or refusing to accept such appointment, or resigning the same, or becoming incompetent, by reason of death, absence from the jurisdiction, removal by the Court, or other cause, to perform the duties thereof, another and other appointments of a Curator may be, from time to time, made in like manner to the first appointment.

Order for winding up of Company and appointment of Curator.

14. When an order has been made for winding up a Company, under this Act, a copy of such order shall forthwith be forwarded by the Company to the Secretary of State of Canada, who shall make a copy thereof in a book to be kept by him for that purpose; and if the Company have been formed under any general Act, by the acknowledging and receiving or filing and entering of any statement or declaration before and by, or by the making and filing in the office of, any Mayor, Registrar or other public officer, then another copy of such order shall forthwith be forwarded by the Company to such Mayor,

Copy of order for winding up to be sent to Secretary of State, and in certain cases another to Mayor or Registrar.

Registrar or other public officer, who shall make a minute thereof in any book in which he may have entered or transcribed the statement or declaration of the formation of the Company, or otherwise file the same with the duplicate of such declaration.

After making of order for winding up, all suits against Company to be stayed.

15. When an order has been made for winding up a Company, all suits against the Company shall be stayed, unless the Court, on application to that effect by the Plaintiff, and after notice to the Curator, authorizes the Plaintiff to proceed with such suit; and such order may be made subject to such provision as to future costs as the Court may think fit to make; and no member or officer of the Company shall, after such order has been made as aforesaid, dispose of any of the property or effects of the Company; and no subsequent transfer of any share or interest in the Company shall be valid. 5 10

Inspection of books.

16. Where an order has been made for winding up a Company by the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just; and any books and papers in the possession of the Company may be inspected by creditors or contributories in conformity with the order of the Court, but not further or otherwise. 15

Power of Court to stay proceedings.

17. The Court may, at any time after an order has been made for winding up a Company, upon the application by motion of any creditor or contributory of the Company, and upon proof, to the satisfaction of the Court, that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit. 20 25

Curator to give security, and then to be vested with property of Company.

18. Such Curator shall give such description and amount of security for the due performance of his duties, as the Court, or any Judge thereof in Chambers may determine, and may be called upon by the Court from time to time to substitute and give, and he shall thereupon give fresh or additional security, and upon the completion of such security shall become and be vested, in his capacity of Curator, with all moneys and securities for money, documents, papers, books of account, estate, effects and assets of the Company generally, and shall have power forthwith thereupon as such Curator to take possession thereof, and in his said capacity to institute and maintain any kind of action, attachment or proceeding for obtaining and maintaining possession of such estate and effects, and of every part and portion thereof, which could be instituted or maintained by such Curator if he were the absolute and unconditional proprietor thereof; And a copy of the order appointing such Curator, authenticated in the manner usual in the Court wherein it shall be made, shall be *prima facie* evidence of such appointment and of such security having been given. 30 35 40

Evidence of appointment and security.

Powers of Company to vest in Curator.

2. And all powers vested in any Company being wound up under this Act, which such Company might legally execute for its own benefit, shall vest in and be executed by the Curator to such Company, in like manner and with like effect as they were vested in such Company, and might have been executed by it. 45

Sale of real and personal property of Company.

19. The Curator so appointed shall, as soon as possible, without unreasonable sacrifice thereof, convert the personal or moveable assets into money and collect the outstanding debts and unpaid stock-subscriptions due to the Company, and for that purpose may sue or be sued in his name as such Curator, and may sell, in the manner he may deem most advantageous, all personal or moveable property of the Company, and subject to an order of the Court to be obtained in that behalf, may refer debts or claims to arbitration, or compound or compromise the same; and as to the real or immoveable property thereof, the same shall be sold by such Curator, when so ordered by the Court, 50 55

after such publications and notices, and after the expiry of such time as the Court in such order shall appoint, and when regularly made, such sale shall have the same effect as if made by the Company, and convey the same title as such Company could convey, and no other
5 may be conveyed by any deed signed and sealed by the said Curator, or by any vesting order made by the Court.

2. In case any Railway pier or wharf constructed by any Company be sold under this Act, the sale shall be deemed to pass such Railway pier or wharf to the purchaser thereof with all the rights, privileges and appurtenances, and subject to all the duties and obligations,
10 which the law gave or imposed with reference to such Railway, pier or wharf, whilst the same continued the property of the Company.

3. But no Railway, pier or wharf shall be sold under this Act to a smaller number of persons than that required by law to constitute the
15 Company to which such Railway, pier or wharf belonged; and in case there be no number so required then not to any smaller number than five.

20. The proceeds of the realization of the assets and debts of such Company shall, from time to time, be paid into Court with the privity of the Registrar, or proper Clerk or Prothonotary of the Court; and an account
20 current between the Company and the Curator, sworn to by such Curator, shewing the amount so paid in, shall, at the same time be filed with the Registrar, Clerk or Prothonotary aforesaid, and the balance shown thereby paid in as aforesaid, at intervals not exceeding one
25 month; and previous to the special order hereinafter mentioned, any creditor of the Company may file his claim either in the hands of the Curator, or in the office of the Court by which such Curator shall have been appointed; and such claim may be in effect in the form of
Schedule (A) to this Act appended; and any claim so filed in the hands of the Curator shall be returned into the Court with the next
30 subsequent statement of account to be made by such Curator.

Proceeds to be paid into Court with account current, sworn to by Curator.

21. Whenever the amount of moneys realized from the assets of any Company shall appear to the Court to warrant a dividend thereof, the Court shall make an order to call in the creditors of the Company, and to require them to file their claims in the office of the Registrar or
35 proper Clerk or Prothonotary of such Court, on or before a day to be fixed by such order; and notice of such order or the substance thereof shall be twice inserted in the *Gazette*, published by authority in the Province, and twice in some newspaper published in the County or District wherein the chief place of business of such Company shall have been
40 situate; Provided always, that in Quebec every such notice or the substance thereof shall be published in the *Gazette*, published by authority in the Province, and in such local newspaper or newspapers, both in the French and English languages; and after the expiration of the time so limited, the Court shall proceed to the distribution
45 of the money so realized, according to the rights of the claimants thereon, in Quebec, in the manner recognized by law for the distribution of the moneys of a vacant estate in the hands of a Curator, and in Ontario in the manner in which such assets are, or but for this Act would be, distributed by the Court of Chancery.

Creditors to be called in and proceeds to be distributed.

50 22. The Curator of any Company appointed in manner aforesaid shall be an officer of the Court appointing him, subject to the summary jurisdiction of that Court as to all matters, things and duties confided to and imposed upon him by this Act, and his accounts shall be subject to contest, the performance of his duties to be enforced, and his acts in
55 his said capacity restrained and regulated in every respect, on summary application by petition or motion to the Court which appointed him, and he shall be liable to be removed by the Court for misconduct or want of sufficient security, or may resign; and during any vacancy in the office of Curator, all the property of the Company shall be deemed to be in the custody of the Court.

Curator to be an officer of the Court.

On what condition order to Curator to bring or defend a suit may be obtained. **23.** When the bringing or defending of any suit or the doing of any Act, in the winding up of any Company shall or may be attended with more cost than the Curator thereof shall consider it expedient to expend or to risk, and any application be made to compel him to bring or defend such suit or to do such act, the Court may order such Curator to bring or defend such suit, or to do such act, as the case may be, but on the condition only that the applicant shall give good and sufficient security to such Curator for the payment to him of any costs which may be incurred by him in obedience to such order. 5

Court may make calls on contributories. **24.** The Court may, at any time, and from time to time, after the appointment of such Curator as aforesaid, make calls on all or any of the contributories to the extent of their respective liabilities, for payment of all or any of the sum or sums for which they are liable, under what is known as the "double liability" clause of the Act of Incorporation or otherwise howsoever, and in the proportion in which the contributories are so liable, and to the amount thereof which the Court may deem necessary to satisfy the debts of the Company, and the costs, charges and expenses of winding it up; and it may, in making such calls, take into consideration the probability of some assets, not yet collected, being realized, and some liabilities, not yet ascertained, becoming debts, and also the probability that some of the contributories upon whom the same are made may partly or wholly fail to pay their respective portions of the same. 10 15 20

Nature of liability of contributory. **25.** The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up shall create a debt (in Ontario, Nova Scotia and New Brunswick in the nature of a specialty) accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made, as hereinafter mentioned, for enforcing such liability; and it shall be lawful, in the case of the insolvency of any contributory, to prove against his estate the estimated value of his liability to future calls, as well as calls already made. 25 30

Set-off against unpaid balance of stock. **26.** No contributory to any company in process of being wound up under this Act, shall be entitled to set off any claim he may have against such Company by way of set-off to the unpaid balance of stock held by him in such Company, unless such set-off shall have been allowed and credited to him on the books of the Company on account of such unpaid balance, previous to the insolvency of the Company, and by express order of the Directors or Managers thereof. 35

Disposal of surplus funds. **27.** If there be any surplus of the funds realized from the assets of any Company, after the payment of all the creditors thereof in full, the same shall first be devoted to the adjustment of the rights of the contributories among themselves, and afterwards shall be distributed *pro rata* among the contributories. 40

Dissolution of Company. **28.** When the affairs of the Company have been completely wound up, the Court shall make an order declaring the Company to be dissolved from the date of such order, and thereupon the Company shall be dissolved accordingly. 45

Order to be reported and minute thereof to be made. **29.** Any order so made shall be reported by the Curator to the Secretary of State of Canada, who shall make a minute accordingly in the book in which the order for winding up the Company is recorded, of the dissolution of such Company; and if the Company have been formed under any general Act by the acknowledging and receiving, or filing and entering of any statement or declaration before and by, or by the making and filing in the office of, any Mayor, Registrar or other public officer, then such order shall also be reported by the Curator to such Mayor, Registrar or other public officer, who shall make a minute thereof in the book in which he made a minute of the order for winding up the Company. 50 55

30. If the Curator makes default in reporting to the Secretary of State, or to such Mayor, Registrar, or other public officer, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding
 5 for every day during which he is so in default.

Penalty for not reporting dissolution.

POWERS OF THE COURT.

31. The Court may, as to all matters relating to the winding up, have regard to the wishes of the creditors or contributories, as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct
 10 meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

Court may have regard to wishes of creditors or contributories.

15 2. In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories, to the number of votes conferred on each contributory by the Act of Incorporation or other instrument by which the Company was created or by the by-laws of the Company.

20 32. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company, of the costs, charges and expenses incurred in winding up any Company, in such order of priority as the Court thinks just.

Court may order costs to be paid out of the estate.

25 33. The Court may, as often as circumstances require, make such rules concerning the mode of proceeding to be pursued for winding up a Company, and such tariff of fees applicable to all proceedings under this Act, as from time to time may seem necessary or convenient; and until such rules and tariff are made, it shall be competent to the Court to make any order it may deem just, and which shall not be inconsistent
 30 with this Act, for winding up any Company, and for the proceedings necessary therefor under this Act; and any power or direction contained in any such order shall be deemed to have been fully authorized by this Act.

Court to make rules and tariff of fees.

34. Any Judge of the Courts mentioned in section two of this Act,
 35 may do in Chambers any act which the Court of which he is a Judge is hereby authorized to do.

Powers of Judge in Chambers.

2. For the purposes of this section, Chief Justices, Chancellors, and Vice Chancellors are to be deemed Judges of their respective Courts.

ENFORCEMENT OF ORDERS.

40 35. Any order made by the Court in any Province, for or in the course of the winding up of a Company under this Act, shall be enforced in any other Province, in the Court that would have had jurisdiction in respect of such Company if the chief place of business of the Company had been situate in such other Province, and in the same manner in
 45 all respects as if such order had been made by the Court that is hereby required to enforce the same.

Power to enforce orders of other Courts.

36. Where an order made by one Court is required to be enforced by
 50 another Court, as hereinbefore provided, an office copy of such order shall be produced to the proper officer of the Court required to enforce the same; and the production of such office copy shall be sufficient evidence of such order having been made; and thereupon such last mentioned Court shall take such steps in the matter as may be requisite for enforcing
 55 such order, in the same manner as if it were the order of the Court enforcing the same.

Mode of dealing with orders of other Courts.

Meaning of "order." Judicial notice to be taken of signature of officers

37. The word "order" in the two next preceding sections of this Act shall mean also and include any Interlocutor, Decree or Judgment; and in all proceedings under the said sections, all Courts, Judges and persons judicially acting, and all other officers, judicial or ministerial, of any Court or employed in enforcing the process of any Court, shall take judicial notice of the signature of any officer of any other Court having jurisdiction under this Act, and also of the official seal or stamp of the several offices of such other Courts, when such seal or stamp is appended to or impressed upon any document made, issued or signed under the provisions of the said sections, or any official copy thereof.

MISCELLANEOUS PROVISIONS.

Style of Curator.

38. The Curator shall be described by the style of the Curator of the particular Company in respect of which he is appointed, and not by his individual name.

Salary, &c., of Curator.

39. There shall be paid to the Curator such salary or remuneration, by way of percentage or otherwise, as the Court may direct.

The books of the Company to be evidence.

40. Where any Company is being wound up by the Court, all books, accounts and documents of the Company and of the Curator shall, as between the contributories of the Company be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

Power of assignee to sue and be sued.

41. Any person to whom any thing in action belonging to the Company is assigned in pursuance of this Act, may bring or defend any action or suit relating to such thing in action in his own name.

Debts of all descriptions to be proved.

42. In the event of any Company being wound up under this Act, all debts payable on a contingency, and all claims against the Company, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible to proof against the Company, a just estimate being made, so far as is possible, of the value of all such debts or claims as may be subject to any contingency or sound only in damages, or for some other reason do not bear a certain value.

Fraudulent preference—what to be deemed in Ontario and Quebec.

43. Any such contract, conveyance, sale, deposit, pledge, transfer, purchase, mortgage, delivery of goods, payment, execution or other act relating to property as would, if made or done in Quebec by or against any individual trader, or in Ontario by or against any individual whether a trader or non-trader, be deemed in the event of his insolvency, to have been made or done by way of undue or fraudulent preference of the creditors of such individual, and with intent to defraud such creditors, shall, if made or done in Ontario or Quebec against or by any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such company, and shall be invalid accordingly; and for the purposes of this section, the presentation of a petition for winding up a Company shall be deemed to correspond with the execution of a deed of assignment or the issuing of a writ of attachment in the case of such an individual.

Power of Court to assess damages against delinquent Directors and officers.

44. Where, in the course of the winding up of any Company under this Act, it appears that any past or present Director, Manager, or Curator, or any officer of such Company has misapplied or retained in his own hands, or become liable or accountable for any moneys of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any Curator, or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such Director, Manager or other officer, and compel him to repay any moneys so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as

the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such mis-application, retainer, misfeasance or breach of trust as the Court thinks just.

- 5 **45.** Where any order is made for winding up a Company by the Court under this Act, if it appear in the course of such winding up that any past or present Director, Manager, Officer or Member of such Company, has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding up, or of its own motion, direct the Curator to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the Company. Prosecution of delinquent Directors, &c., of Company.
- 10 **46.** This Act shall not apply to or affect suits now pending, or to any Companies which have discontinued business or which have been dissolved before the passing of this Act. Act not to affect pending suits.
- 47.** Nothing in this Act contained shall affect any existing privilege or priority of one creditor or class of creditors over another, or be construed to operate any change in the liabilities of parties. Act not to affect privilege or priority among creditors.
- 20 **48.** An appeal from any order or judgment rendered under this Act shall be allowed in the same manner and to the same Court as appeals in ordinary cases instituted in the Court rendering such judgment are allowed or would lie, and may be made by such form of proceeding as the Court of Appeal shall for such cases prescribe. Appeal from judgments under this Act.
- 25 **49.** The Secretary of State for Canada shall lay, or cause to be laid before the Senate and House of Commons of Canada, within fourteen days after the opening of the Session of the Parliament of Canada next after the passing of this Act, a Return of all Companies reported to him to be dissolved under this Act, since the passing of this Act, together with copies of all orders for the winding up of Companies under this Act received by him since the passing of this Act, and within fourteen days after the opening of each subsequent Session, a Return of all Companies reported to him to be dissolved under this Act, since the date of his then last return, together with copies of all orders for the winding up of Companies under this Act since the same date. Annual return to be laid before Parliament.
- 30 **50.** The nineteenth section of the Act passed by the Legislature of the Province of Nova Scotia, in the twenty-fifth year of Her Majesty's Reign, chapter two, intituled, "An Act for the incorporation and winding up of Joint Stock Companies," is hereby repealed, so far as relates to Companies that can be wound up under this Act. Section 19 of Act of N. S., 25 V., c. 2, repealed.

SCHEDULE A.

Canada, }
 Province of } In the [name of the Court.]
 The (name of Company.) } In re.
 A. B. of (residence), (occupation), claims of the (name of Company),
 the sum of } dollars due him as follows:
 [Particulars of the claim, which may refer to an account in detail annexed.]
 The above named claimant, [or A. C., Agent or Clerk of the above named claimant,] being duly sworn declares, that the foregoing claim is correct, and that the sum thereby demanded is justly due him by the Company,—and he hath signed.

Sworn before me at } A. B.
 this } day of } 186 . }
 3 }

K

BILL.

An Act to facilitate the winding up of the
affairs of Incorporated Companies.

Received and read, first time, Monday,
18th March, 1868.

Second reading, Monday, 25th March,
1868.

Honorable Mr. CAMPBELL.

OTTAWA :

PRINTED BY HUNTER, ROSE & CO.

An Act for the relief of Joseph Frederick Whiteaves.

WHEREAS, Joseph Frederick Whiteaves, of the City of Montreal,
 Esquire, Curator of the Museum of the Natural History Society
 of Montreal, hath, by his petition, humbly set forth that on the
 eighteenth day of June, one thousand eight hundred and sixty-
 5 three, he was married to Julia Wolff; that they lived and
 cohabited together as husband and wife up to about the seventh
 day of March, one thousand eight hundred and sixty-six, when he
 discovered that she had been leading an irregular life, and had been
 committing adultery with a certain person named in the evidence
 10 within a year next preceding that date; that thereupon the said
 Julia Wolff left the house of the said Joseph Frederick Whiteaves
 and has ever since continued to live apart from him; that the said
 Julia Wolff had by her conduct dissolved the Bond of Matrimony
 on her part; that the said Joseph Frederick Whiteaves had taken
 15 measures to establish judicially the adulterous correspondence of the
 said Julia Wolff, and was ready to prove the allegations of his said
 petition; wherefore he humbly prayed that the said marriage might
 be dissolved so as to enable him to marry again, and that such
 further relief might be afforded him as might be deemed fit; And
 20 whereas the said Joseph Frederick Whiteaves hath since procured
 a judgment against the said Julia Wolff establishing 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
 25 Canada, enacts as follows:—

1. The said marriage between the said Joseph Frederick Whit-
 eaves and Julia Wolff, his wife, is and shall be henceforth null and
 void to all intents and purposes whatsoever, as well as the marriage
 contract executed between the said Joseph Frederick Whiteaves
 30 and the said Julia Wolff, before S. J. Glackemeyer and his colleague,
 Notaries, on the seventeenth day of June, one thousand eight
 hundred and sixty-three.

2. It shall and may be lawful for the said Joseph Frederick
 Whiteaves at any time hereafter, to contract matrimony, and to
 35 marry with any other woman with whom he might lawfully marry
 in case the said marriage had not been solemnized.

3. In case of the said Joseph Frederick Whiteaves again contract-
 ing matrimony with any person or persons with whom it would
 have been lawful for him to contract matrimony, if they, the said
 40 Joseph Frederick Whiteaves and Julia Wolff had not intermarried,
 and having any issue born to him, the said issue so born shall be
 and are hereby declared to be, to all intents and purposes, legitimate,
 and the rights of them the said issue, and each of them, and of
 their respective heirs, as respects their and each of their capacity
 45 to inherit, have, hold, enjoy, and transmit all and all manner of
 property, real or personal, of what nature or kind soever, from any
 person or persons whomsoever, shall be and remain the same as
 50 they would have been, to all intents and purposes whatsoever, if
 the marriage between the said Joseph Frederick Whiteaves and
 Julia Wolff had not taken place.

M
(13.)

BILL.

An Act respecting the Navigation of Canadian Waters.

NOTE.—The words between brackets are proposed to be struck out at the third reading.

WHEREAS the following rules of navigation and regulations for preventing collisions between vessels, being those in use in the United Kingdom and other countries, were adopted in the late Province of Canada in the year one thousand eight hundred and sixty-four, and have since continued and do still continue in force there under the Act of the Parliament of the said late Province hereinafter mentioned; and whereas it is expedient and highly desirable that the same rules and regulations should be extended to and prevail throughout all the waters of the Dominion of Canada, and that for that purpose the said Act should be repealed and re-enacted; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act shall come into force on the first day of September next after its passing; and on and after the said day, the Act of the Legislature of the late Province of Canada, passed in the Session thereof held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter thirteen, intituled "*An Act to amend the Law respecting the Navigation of Canadian Waters*," and the Act of the Legislature of the Province of New Brunswick, passed in the session held in the twenty-first year of Her Majesty's Reign, chapter thirteen, intituled "*An Act to compel vessels navigating the Bay of Fundy to carry Lights*," shall be repealed, except only as regards offences committed or liabilities incurred under either of the said Acts before the said day, with respect to which, and to all proceedings relating to which, the said Acts shall remain in force; and every enactment or provision in any other Act or law in force in any part of Canada before the coming into force of this Act, inconsistent with this Act, or making any provision for any matter provided for by this Act other than such as is hereby made shall also be repealed on and after the said day.

Commencement of Act.
Act of Canada. 27, 28 V., c. 13; and Act of New Brunswick 21 V., c. 13, repealed.
Exception.

REGULATIONS FOR PREVENTING COLLISIONS.

2. And with respect to lights, fog signals, steering and sailing, and rafts, the following rules shall, on and after the day last aforesaid, apply to all the rivers, lakes, and other navigable waters whatsoever within this Dominion, or within the jurisdiction of the Parliament thereof; that is to say:

Certain rules to apply after 1st Sept. 1868

Preliminary.

Art. 1. In the following rules every steamship which is under sail and not under steam is to be considered a sailing ship; and every steamship which is under steam, whether under sail or not, is to be considered a ship under steam.

Construction of rules.

Rules concerning Lights.

What light shall be carried.

Art. 2. The lights mentioned in the following articles, numbered three, four, five, six, seven, eight, and nine, and no others, shall be carried in all weathers, from sunset to sunrise.

By steamships under weigh; At foremast head.

Art. 3. Steamships when under weigh shall carry :

(a) *At the foremast head*, a bright white light, so constructed as to show an uniform and unbroken light over an arc of the horizon of twenty points of the compass; so fixed as to throw the light ten points on each side of the ship, viz., from right ahead to two points abaft the beam on either side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles : 5

On the starboard side.

(b) *On the Starboard side*, a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of 15 at least two miles :

On port side.

(c) *On the port side*, a red light so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two 20 miles :

How fitted.

(d) The said green and red side lights shall be fitted with inboard screens, projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

By steamships towing.

Art. 4. Steamships when towing other ships, shall carry two bright 25 white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steamships. Each of these mast-head lights shall be of the same construction and character as the mast-head lights which other steamships are required to carry.

By sailing ships in motion.

Art. 5. Sailing ships under weigh or being towed, shall carry the same 30 lights as steamships under weigh, with the exception of the white mast-head lights, which they shall never carry.

By small vessels in bad weather.

Art. 6. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, 35 and shall, on the approach of or to other vessels, be exhibited on their respective sides, in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side,

Lanterns to be painted outside.

(a) To make the use of these portable lights more certain and easy, 40 the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

By ships at anchor.

Art. 7. Ships, whether steamships or sailing ships, when at anchor in roadsteads or fairways, shall exhibit, where it can best be seen, 45 but at a height not exceeding twenty feet above the hull, a white light, in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform and unbroken light visible all round the horizon, and at a distance of at least one mile.

By Pilot vessels.

Art. 8. Sailing pilot vessels shall not carry the lights required for 50 other sailing vessels, but shall carry a white light at the mast-head, visible all round the horizon,—and shall also exhibit a flare-up light every fifteen minutes.

Art. 9. Open fishing boats and other open boats shall not be required to carry the side lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

- (a) Fishing vessels and open boats when at anchor, or attached to their nets and stationary, shall exhibit a bright white light.
- 10 (b) Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition, if considered expedient.

By open fishing and other open boats.

When at anchor.

Flare-up lights.

Rules concerning Fog Signals.

Art. 10. Whenever there is fog, whether by day or night, the fog signals described below shall be carried and used, and shall be sounded at least every five minutes, viz. :—

- 15 (a) Steamships under weigh shall use a steam whistle placed before the funnel, not less than eight feet from the deck.
- (b) Sailing ships under weigh shall use a fog horn.
- (c) Steamships and sailing ships, when not under weigh shall use a bell.

Fog signals.

Steering and Sailing Rules.

- 20 Art. 11. If two sailing ships are meeting end on or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Sailing ships meeting.

- Art. 12. When two sailing ships are crossing so as to involve risk of collision, then if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side; except in the case in which the ship with the wind on the port side is close hauled and the other ship free, in which case the latter ship shall keep out of the way; but if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which to leeward.

Sailing ships crossing.

Art. 13. If two ships under steam are meeting end on or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Steamships meeting.

- 35 Art. 14. If two ships under steam are crossing so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

Steamships crossing.

- Art. 15. If two ships, one of which is a sailing ship, and the other a steamship, are proceeding in such directions as to involve risk of collision, the steamship shall keep out of the way of the sailing ship.

Sailing and steamships.

Art. 16. Every steamship, when approaching another ship so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steamship shall, when in a fog, go at a moderate speed.

Steamship nearing another vessel.

- 45 Art. 17. Every vessel overtaking any other vessel shall keep out of the way of the said last mentioned vessel.

Vessel overtaking another.

Art. 18. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course, subject to the qualifications contained in the following article.

Ship keeping out of the way.

Regard to
dangers of
navigation.

Art. 19. In obeying and construing these rules, due regard must be had to all dangers of navigation; and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger.

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Rules not to
excuse ne-
glect.

Art. 20. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

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RAFTS AND HARBOUR OF SOREL.

Rules for
rafts.

Art. 21. Rafts while drifting or at anchor on any navigable water shall have a bright fire kept burning thereon from sunset to sunrise. Whenever any raft is going in the same direction as another which is ahead, the one shall not be so navigated as to come within twenty yards of the other; and every vessel meeting or overtaking a raft shall keep out of the way thereof.

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(a) Rafts shall be so navigated and anchored as not to cause any unnecessary impediment or obstruction to vessels navigating the same waters.

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Harbor of
Sorel.

Art. 22. Unless it is otherwise ordered by the Trinity House of Montreal, ships and vessels entering or leaving the Harbour of Sorel shall take the port side, anything in the preceding articles to the contrary notwithstanding.

Articles 21,
22 to apply.

Art. 23. The rules of navigation contained in articles twenty-one and twenty-two shall be subject to the provisions contained in articles nineteen and twenty.

25

INTERPRETATION, PENALTIES, &C.

Interpreta-
tion.

3. In this Act the word "vessel" includes every description of vessel used in navigation,—the word "ship" includes every description of vessel not propelled by oars,—the expression "steam ship" includes every vessel propelled wholly or in part by steam or by any machinery or motive power other than sails or oars,—and the expression "ordinary practice of seamen," as applied to any case, includes the ordinary practice of skilful and careful persons engaged in navigating the waters of this Dominion in like cases,—and the word "owner" includes the lessee or charterer of any vessel having the control of the navigation thereof.

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Local rules
and by-laws.

4. No Trinity House rule or by-law, or other local rule or by-law, inconsistent with this Act, shall be of any force or effect; but so far as it is not inconsistent with this Act, any such rule or by-law made by any Trinity House or other competent local authority, shall be of full force and effect within the locality to which it applies.

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Rules pre-
scribed by
this Act to be
obeyed.

5. All owners, masters, and persons in charge of any ship, vessel, or raft, shall obey the rules prescribed by this Act, and shall not carry and exhibit any other lights nor use any other fog signals than such as are required by the said rules; and in case of wilful default, such master or person in charge, or such owner, if it appears that he was in fault, shall, for each occasion in which any of the said rules is infringed, incur a penalty not exceeding two hundred dollars nor less than twenty dollars.

45

Collision from
non-observ-
ance of rules

6. If in any case of collision it appears to the court before which the case is tried, that such collision was occasioned by the non-observance of any of the rules prescribed by this Act, the vessel by which such

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rules have been infringed shall be deemed to be in fault; and the owner of such vessel shall not be entitled to recover any recompense whatever for any damage sustained by such vessel in such collision, unless it can be shown to the satisfaction of the court that the circumstances of the case rendered a departure from the said rules necessary.

7. In case any damage to person or property arises from the non-observance by any vessel or raft of any of the rules prescribed by this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of such raft, or of the deck of such vessel at the time, unless the contrary be proved, or it be shown to the satisfaction of the court that the circumstances of the case rendered a departure from the said rules necessary; and the owner of the vessel or raft, in all civil proceedings, and the master or person in charge as aforesaid, or the owner if it appears that he was in fault, in all proceedings, civil or criminal, shall be subject to the legal consequences of such default.

8. Except as hereinbefore provided, all penalties incurred under this Act may be recovered in the name of Her Majesty, by any Inspector of Steamboats, or by any party aggrieved by any act, neglect or wilful omission by which the penalty is incurred, before any two Justices of the Peace on the evidence of one credible witness; and in default of payment of such penalty, such Justices may commit the offender to gaol for any period not exceeding three months; [and except as hereinafter provided, all penalties recovered under this Act, shall be paid over to the Receiver General, and shall be by him placed at the credit of, and shall form part of "The Steamboat Inspection Fund;" except always, that all penalties incurred for any offence against this Act, shall, if such offence be committed within the jurisdiction of the Trinity House of Quebec, or of the Trinity House of Montreal, be sued for, recovered, enforced and applied in like manner as penalties imposed for contravention of the by-laws of the Trinity House within whose jurisdiction the offence is committed.]

9. Every Inspector of Steamboats shall, whenever he visits and inspects any steamboat, examine whether such steamboat is properly provided with lights, and with the means of making fog signals in pursuance of the rules prescribed by this Act, and shall for that purpose, have all the power, vested in him by the Act of this Session *respecting the inspection of steamboats, and for the greater safety of passengers by them*, for obtaining information as to the observance of the requirements of the said Act, and shall refuse to grant any certificate with respect to any steamboat which he finds to be not so provided, and shall report such steamboat as unsafe to the Governor in Council, who shall on such report have all the powers mentioned in section twenty-nine of the said Act; and any Order in Council made on such report shall have the effect and be enforced in the manner provided by the said section.

10. Whenever foreign ships are within Canadian waters the rules for preventing collision prescribed by this Act, and all provisions of this Act relating to the said rules, or otherwise relating to collisions, shall apply to such foreign ships; and in any cases arising in any court of justice in Canada concerning matters happening within Canadian waters, foreign ships shall, so far as regards such rules and provisions, be treated as if they were British or Canadian ships.

DUTY OF MASTERS, LIABILITY OF OWNERS, AS TO COLLISIONS.

11. In every case of collision between two ships, it shall be the duty of the person in charge of each ship, if and so far as he can do so without danger to his own ship and crew, to render to the other ship, her master, crew and passengers (if any) such assistance as may be practicable and as may be necessary in order to save them from any danger

caused by such collision. In case he fails so to do, and no reasonable excuse for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect or default.

Liability of owners limited in case of collision without their fault. **12.** The owners of any ship, whether Canadian, British or foreign, shall not, in cases where all or any of the following events occur without their actual fault or privity, that is to say: 5

(1.) Where any loss of life or personal injury is caused to any person being carried in such ship;

(2.) Where any damage or loss is caused to any goods, merchandize, or other things whatsoever on board any such ship; 10

(3.) Where any loss of life or personal injury is by reason of the improper navigation of such ship as aforesaid caused to any person in any other ship or boat;

(4.) Where any loss or damage is by reason of the improper navigation of such ship as aforesaid caused to any other ship or boat, or to any goods, merchandize or other things whatsoever on board any other ship or boat; 15

Extreme amount recoverable. be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, merchandize or other things, nor in respect of loss or damage to ships, goods, merchandize or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding thirty-eight dollars and ninety-two cents for each ton of the ship's tonnage, such tonnage to be the registered tonnage in the case of sailing ships; and in the case of steamships the gross tonnage without deduction on account of engine room: 20

Tonnage, how calculated in such case. (a) In the case of any British or Canadian ship, such tonnage shall be the registered or gross tonnage, according to the British or Canadian law, and in the case of a foreign ship which has been or can be measured according to British or Canadian law, the tonnage as ascertained by such measurement shall, for the purposes of this section, be deemed to be the tonnage of such ship: 25

The same. (b) In the case of any foreign ship which has not been and cannot be measured according to British or Canadian law, the Secretary of the Minister of Marine and Fisheries shall, on receiving from or by direction of the court hearing the case, such evidence concerning the dimensions of the ship as it may be found practicable to furnish, give a certificate under his hand, stating what would in his opinion have been the tonnage of such ship if she had been duly measured according to Canadian law, and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship. 30

As to insurances in such cases. **13.** Insurances effected against any or all of the events enumerated in the section last preceding, and occurring without such actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk. 35

Collisions through fault of Pilots. **14.** No owner or master of any ship shall be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any qualified pilot acting in charge of such ship, within any place where the employment of such pilot is compulsory by law. 40

SCHEDULE TO REPEALED ACT.

Schedule to repealed Canadian Act to be printed with this. **15.** The schedule annexed to the Act of the Legislature of the late Province of Canada hereby repealed illustrates the use of the lights to be carried by vessels under the provisions of this Act, and shall be printed at the end of this Act by the Queen's printer in the official copy of the statutes of the present Session. 45

STANDARD BANK OF CALIFORNIA

San Francisco, California

Pay to the order of _____

_____ Dollars

THIS CHECK IS VALID ONLY IF SIGNED BY THE ISSUING OFFICER

DATE

NO.



M

BILL.

An Act respecting the Navigation of Canadian Waters.

Received and read First time, Wednesday,
1st April, 1868.

Second reading, Monday, 6th April, 1868.

HON. MR. MITCHELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act to Amend the Acts relating to the Niagara District Bank.

WHEREAS the Niagara District Bank, has by petition prayed that the time for subscribing for and paying up the balance of the Capital Stock of the said Bank may be extended, and it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. For and notwithstanding any thing contained in the several Acts of the Legislature of the late Province of Canada, relating to the said Bank, the sum still remaining to be subscribed for, or still remaining unpaid, of the Capital Stock of the said Bank, may be paid up, or may be subscribed for and paid up, at any time within two years from and after the passing of this Act.

Preamble.
Period for paying up the Capital of the Bank extended.

2. It is hereby declared that none of the privileges granted by the said Acts, or any or either of them, have been forfeited by reason of any portion or portions of the Capital Stock of the said Bank not having been subscribed for and paid up at any time before the passing of this Act, as required by any or either of the said Acts, and that the said privileges, and each and every one of them, still are and shall continue to be vested in and enjoyed by the said Corporation in as full and ample a manner to all intents and purposes whatsoever, as they have ever been vested in or enjoyed by it, subject only to the terms and conditions of the said Acts, as amended by this Act.

Privileges declared, not forfeited by non-payment of Capital up to the present time.

3. The said Acts, as amended by this Act, and this Act itself, amending the same, shall be and remain in force until the first day of June, which will be in the year of our Lord one thousand eight hundred and seventy, and thence until the end of the then next Session of the Parliament of Canada, and no longer

Duration of Acts.

BILL.

An Act to amend the Acts relating to
the Niagara District Bank.

Received and read, first time, Thursday,
16th April, 1868.

Second reading, Monday, 20th April, 1868.

Hon. Mr BENSON.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act for the Organization of the Department of Agriculture.

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

Preamble.

1. There shall be a Department, called "The Department of Agriculture," over which the Minister of Agriculture, for the time being appointed by Commission under the Great Seal, shall preside; and the said Minister shall have the management and direction of the Department and shall hold office during pleasure.

Department of Agriculture
Minister of Agriculture.

2. The Governor may appoint a Deputy of the Minister of Agriculture, and such other officers and clerks as may be required for the proper conduct of the business of the Department, all of whom shall hold office during pleasure.

Deputy Minister and staff.

3. It shall be the duty of the said Deputy, and he shall have authority (subject always to the Minister) to oversee and direct the other officers and servants of the Department; he shall have the general control of the business of the Department, and such other powers and duties as may be assigned to him by the Governor in Council, and in the absence of the Minister and during such absence, may suspend from his duties any officer or servant of the Department who refuses or neglects to obey his directions as such Deputy.

Powers and duties of Deputy.

4. The duties and powers of the Minister of Agriculture, shall extend to the execution of laws enacted by the Parliament of Canada, and of orders of the Governor in Council, relating to the subjects enumerated in the following section, as well as to the direction of all public bodies, officers and servants employed in the execution of such laws and orders.

Duties and powers of Minister.

5. The following subjects shall be under the control and direction of the Department of Agriculture, viz:

Subjects under control of Department.

- 1. Agriculture;
- 2. Immigration;
- 3. Public Health and Quarantine;

4. The Marine and Emigrant Hospital at Quebec ;
5. Arts and manufactures ;
6. The Census, Statistics and the Registration of Statistics ;
7. Patents of Invention ;
8. Copyright ;
9. Industrial Designs and Trade Marks.

5

Power of Governor to vary duties and powers.

6. The Governor in Council may at any time assign any other duty or power to the Minister of Agriculture, and may also assign any of the duties or powers hereinbefore enumerated to any other Member of the Privy Council of Canada. 10

Annual Report to be laid before Parliament.

7. The Minister of Agriculture shall make and submit to the Governor an annual report of the proceedings of his Department to be laid before both Houses of Parliament within twenty-one days from the commencement of each session.

Act of Canada 25 V. c. 7, &c., repealed.

8. The Act of the Legislature of the late Province of Canada, 15 passed in the twenty-fifth year of Her Majesty's Reign, chapter seven is hereby repealed,—and all laws or parts of laws inconsistent with this Act, in so far as they are inconsistent herewith, are also repealed.

1st Session, 1st Parliament, 31 Victoria, 1868.

P.

BILL.

An Act for the organization of the
Department of Agriculture.

Received and read first time Thursday, 16th
April, 1868.

Second reading Tuesday, 21st April, 1868.

Hon. Mr. CHAPMAN.

BILL.

An Act to provide for Oaths to Witnesses being administered in certain cases for the purposes of either House of Parliament.

WHEREAS it may be expedient that witnesses should be examined at the Bar of the Senate in cases of Divorce; and whereas it is also expedient that evidence taken before any Select Committee of either House of Parliament on a Private Bill should be available, if desired, before the Committee of the other House to which the same Bill is referred, and that for this purpose the Select Committees of the Senate and of the House of Commons on Private Bills should be enabled to administer an oath to the witnesses examined before them; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Witnesses may be examined upon oath at the Bar of the Senate upon matters relating to Bills of Divorce, and for that purpose the Clerk of the House may administer an oath to any such witness.

Witnesses may be sworn by the Clerk of the Senate and examined at the Bar of that House.

2. Any Select Committee of the Senate to which any Private Bill has been referred by that House may examine witnesses upon oath, upon matters relating to such Bill, and for that purpose may administer an oath to any such witness.

Select Committees of the Senate may examine witnesses upon oath.

3. Any Select Committee of the House of Commons to which any Private Bill has been referred by that House may examine witnesses upon oath, upon matters relating to such Bill, and for that purpose may administer an oath to any such witness.

Select Committees of the House of Commons may examine witnesses upon oath.

4. Any person examined as aforesaid who shall wilfully give false evidence shall be liable to the penalties of perjury.

Witnesses giving false evidence to be guilty of perjury.



BILL.

An Act to provide for Oaths to Witnesses
being administered in certain cases,
for the purposes of either House of
Parliament.

Received and read, first time, Wednes-
day, 22nd April, 1868.

Second reading, Friday, 24th April, 1868.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act respecting the Department of Justice.

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

1. There shall be a Department of the Civil Service of Canada, to be called "The Department of Justice" over which The Minister of Justice of Canada, for the time being, appointed by the Governor by Commission under the Great Seal, and who shall *ex-officio* be Her Majesty's Attorney General of Canada, shall preside; and the said Minister of Justice shall hold office during pleasure and shall have the management and direction of the Department of Justice. Department of Justice constituted.

2. The duties of The Minister of Justice shall be as follows: He shall be the official legal adviser of the Governor and the legal Member of Her Majesty's Privy Council for Canada; It shall be his duty to see that the administration of public affairs is in accordance with law; He shall have the superintendence of all matters connected with the administration of Justice in Canada, not within the exclusive jurisdiction of the Government of the Provinces composing the same; He shall advise upon the Legislative Acts and proceedings of each of the Legislatures of the Provinces of Canada, and generally advise the Crown upon all matters of Law referred to him by the Crown. And he shall be charged generally with such other duties as may at any time be assigned by the Governor in Council to the Minister of Justice. Duties of Minister of Justice.

3. The duties of The Attorney General of Canada shall be as follows: He shall be entrusted with the powers and charged with the duties which belong to the office of the Attorney General of England by law or usage so far as the same powers and duties are applicable to Canada, and also with the powers and duties which by the laws of the several provinces belonged to the office of Attorney General of each Province up to the time when the British North America Act, 1867 came into effect, and which Laws under the provisions of the said Act are to be administered and carried into effect by the Government of the Dominion; He shall advise the Heads of the several departments of the Government upon all matters of Law connected with such departments; He shall be charged with the settlement and approval of all instruments issued under the Great Seal of Canada; He shall have the superintendence of Penitentiaries and the Duties of the Attorney General.

Prison System of the Dominion ; He shall have the regulation and conduct of all litigation for or against the Crown or any Public Department, in respect of any subjects within the authority or jurisdiction of the Dominion ; And he shall be charged generally with such other duties as may at any time be assigned by the Governor in Council to the Attorney General of Canada. 5

Deputy of the
Minister of
Justice.

4. The Governor may also appoint a "Deputy of the Minister of Justice" who shall be charged, under the Minister of Justice, with the performance of the departmental duties of The Minister of Justice and of The Attorney General of Canada, and with the control and management of the officers, clerks and servants of the Department, and with such other powers and duties as may be assigned to him by the Governor in Council. 10

Officers, &c., of
Department.

5. The Governor may also appoint, subject to the Canada Civil Service Act 1868, such officers, clerks and servants as may be requisite for the proper conduct of the business of the Department, all of whom, including the Deputy of the Minister, shall hold office during pleasure. 15

1st Session, 1st Parliament, 31 Victoria, 1868.

R.

BILL.

An Act respecting the Department of
Justice.

Received and read first time Thursday, 23rd
April, 1868.

Second reading Friday, 24th April, 1868.

HON. MR. CAMPBELL.

87(18)

BILL.

An Act respecting Patents of Invention.

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

Preamble:

PATENT OFFICE CONSTITUTED.

1. There shall be attached to the Department of Agriculture, as a branch thereof, an Office to be named The Patent Office, and the Minister of Agriculture for the time being shall be the Commissioner of Patents of Invention ; and it shall be the duty of the said Commissioner to receive all applications, fees, papers, documents and models for patents and to perform such acts and things respecting the granting and issuing of patents for new and useful discoveries, inventions, and improvements as are herein provided for, and he shall have the charge and custody of the books, records, papers, models, machines, and other things belonging to the said Office.

Minister of Agriculture to be Commissioner of Patents of Invention.

2. The Commissioner shall cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith letters patent and other instruments and copies proceeding from the Patent Office, and all courts, judges, and other persons whomsoever shall take notice of such seal, and receive impressions thereof in evidence, in like manner as impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, all copies or extracts certified under the seal of the said Office to be copies of or extracts from documents deposited in such office.

Seal to be made, and impressions thereof to be received in evidence.

3. The Commissioner may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as may appear to him necessary and expedient for the purposes of this Act ; such regulations and forms circulated in print for the use of the public shall be deemed a true interpretation of the meaning of the law, and all documents, executed after the same and accepted by the said Commissioner, shall be held valid so far as relating to the proceedings in the Patent Office.

Commissioner to make rules, &c.

4. The Deputy of the Minister of Agriculture shall be the Deputy Commissioner of Patents of Invention, and the

Deputy Commissioner of

Patents of
Invention.

Governor may, from time to time, appoint such other clerks and officers as may be necessary for the purposes of this Act, and such clerks and officers shall hold office during pleasure.

Annual report
and list of
Patents.

5. The Commissioner shall cause a report to be prepared annually and laid before Parliament of the proceedings under this Act, and shall, from time to time and at least once in a year, publish in the *Canada Gazette*, a list of Patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings, as may be deemed of interest, or essential parts thereof, to be printed from time to time for distribution or sale. 5 10

WHO MAY OBTAIN PATENTS.

Residents of
Canada may
obtain patents
for their own
discoveries and
inventions.

6. Any person having been a resident of Canada for at least one year next before his application and having discovered or invented any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matters, not known or used by others before his invention thereof, and not being at the time of his application for a patent in public use or on sale in Canada with his consent or allowance as the discoverer or inventor thereof; may on a petition to that effect presented to the Commissioner and on compliance with the other requirements of this Act, obtain Letters Patent granting to such person an exclusive property therein, and the said Letters Patent shall be under the seal of the Patent Office and the signature of the Commissioner or the signature of another member of the Privy Council in the absence of the Commissioner, and shall be good and avail to the grantee, his heirs, assigns or other legal representatives for the periods mentioned in such Letters Patent. But no patent shall issue for an invention having an illicit object in view nor for any mere scientific principle or abstract theorem. 15 20 25 30

Of foreign
patent to same
inventor.

7. An original and true inventor shall not be deprived of the right to a Patent for his invention by reason of his having, previously to his application, taken out a Patent therefor in any other country, and the same having been published at any time within six months next preceding the filing of his specification and drawing as required by this Act. 35

Representative
of Inventor
may obtain
patent.

8. The Patent may be granted to any person to whom the inventor has assigned or bequeathed the right of obtaining the same, and the exclusive property in the invention in Canada, or in default of such assignment or bequest, to the executor or administrator of the deceased inventor, or other legal representative. 40

Of patent for
improvement

9. Any person, having been a resident of Canada for at least one year next before his application and who has invented any 45

improvement on any Patented invention, may obtain a Patent on patented for such improvement, but shall not thereby obtain the right of invention. vending or using the original invention, nor shall the Patent for the original invention confer the right of vending or using the 5 patented improvement.

10 **10.** In cases of joint applications, the Patent shall be granted in the names of all the applicants; and in such cases, any Of joint appli- assignment from one of the said applicants or patentees to the cants for patent. other shall be registered in the manner of other assignments.

CONDITIONS AND FORMALITIES.

10 **11.** Every applicant for a Patent, before he can obtain the same, shall make a solemn declaration that he verily believes Declaration to be made by applicant for patent. that he is, or that the person whose assignee or representative he is, is or was, the true inventor, or discoverer of the invention for which the Patent is solicited. Such declaration may be 15 made before any Justice of the Peace in Canada; but if the applicant is not at the time in Canada, the declaration may be made before any Minister Plenipotentiary, *chargé d'affaires*, consul or consular agent, holding commission under the government of the United Kingdom, or any Judge of the country 20 in which the applicant happens at the time to be.

12. The Petitioner for a Patent shall for all the purposes of this Act elect his domicile at some known and specified place in Canada, and mention the same in his Petition for Patent. Petitioner to elect domicile in Canada.

25 **13.** The applicant shall, in his petition for a Patent, insert the title or name of his invention, its object and a short description of the same, and shall distinctly allege all the facts which are necessary under this Act to entitle him to a Patent therefor; and shall with the petition send in a written specification, in duplicate, of his invention, describing the same in 30 such full, clear and exact terms, as to distinguish it from all contrivances or processes for similar purposes. Contents, &c., of application for patent.

14. The specification shall correctly and fully describe the mode or modes of operating, contemplated by the applicant,— Specification and drawings. and shall state clearly and distinctly the contrivances and things 35 which he claims as new and for the use of which he claims an exclusive property and privilege;—it shall bear the name of the place where it is made, the date, and be signed by the applicant and two witnesses;—in the case of a machine the specification shall fully explain the principle and 40 the several modes in which it is intended to apply and work out the same;—in the case of a machine or in any other case where the invention admits of illustration by mean of drawings, the applicant shall also, with his application, send in drawings in duplicate showing clearly all parts of the 45 invention; and each drawing shall bear the name of the inven-

tor and shall have written references corresponding with the specification, and a certificate of the applicant that it is the drawing referred to in the specification;—but the Commissioner may require any greater number of drawings than those above mentioned, or dispense with any of them, as he may see fit; one duplicate of the specification and of the drawings, if any drawings, shall be annexed to the Patent, of which it forms an essential part, and the other duplicate shall remain deposited in the Patent Office. 5

Working
model.

15. The applicant shall also deliver to the Commissioner unless specially dispensed from so doing for some good reason, a neat working model of his invention on a convenient scale, exhibiting its several parts in due proportion, whenever the invention admits of such model;—and shall deliver to the Commissioner specimens of the ingredients, and of the composition of matter sufficient in quantity for the purpose of experiment, whenever the invention is a composition of matter: provided such ingredients and composition are not of an explosive character or otherwise dangerous, in which case they are to be furnished only when specially required by the Commissioner, and then with such precautions as shall be prescribed in the said requisition. 15 20

RECITAL, DURATION, SURRENDER, RE-ISSUE OF PATENTS AND DISCLAIMERS.

Contents of
patent.

16. Every patent granted under this Act shall recite briefly the substance of the petition on which it is granted, and shall contain the title or name of the invention and a short description of the same, referring for a fuller detail to the specification,—and shall grant to the Patentee, his assigns and legal representatives, or in trust as the case may be, for the respective periods hereinafter determined from the granting of the same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention or discovery,—and shall contain a condition that it is nevertheless subject to adjudication before any Court of competent jurisdiction. 25 30

Duration of
patents.

17. Patents for inventions issued by the Patent Office shall be valid for a period of five years, but at or before the expiration of the said five years the holder thereof may obtain an extension of the said patent for another five years, and after those second five years may again obtain a further extension of another five years; and the instrument delivered by the Patent Office for such extension of time shall be in the form which may be from time to time adopted and shall be made in duplicate, one duplicate to remain of record and be duly registered, and the other to be attached, with a reference, to the Patent, under the seal of the Patent Office, and signature of the Commissioner or other Privy Councillor in case of absence of the Commissioner. 35 40 45

18. Whenever any patent shall be deemed defective or inoperative by reason of insufficient description or specification or by reason of the patentee claiming more than he had a right to claim as new, but at the same time it appears that the error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent and the payment of the further fee hereinafter provided, cause a new patent in accordance with an amended description and specification to be made by such patentee, to be issued to him for the same invention, for any part or the whole of the then unexpired residue of the fifteen years period for which the original patent was or might have been, as hereinbefore directed, granted;— In case of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee, or legal representative: The new patent and the amended description and specification shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent.

In case of error the Commissioner may cause a new patent to be issued.

19. Similarly whenever by any mistake, accident or inadvertence and without any wilful intent to defraud or mislead the public, a patentee has made his specification of claim too broad, claiming more than that of which he or the party through whom he claims was the first inventor, or has in the specification claimed that he or the party through whom he claims, was the first inventor of any material or substantial part of the invention patented of which he was not the first inventor, and had no legal right thereto;—the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he shall not claim to hold by virtue of the patent or the assignment thereof;—such disclaimer shall be in writing and in duplicate and attested in the manner hereinbefore prescribed for a declaration, one copy to be filed and recorded in the office of the Commissioner, the other copy to be attached to the Patent and made a part thereof by reference, and such disclaimer shall thereafter be taken and considered as part of the original specification. Such disclaimer shall not affect any action pending at the time of its being made, except in so far as may relate to the question of unreasonable neglect or delay in filing it. In case of the death of the original Patentee or of his having assigned the Patent, a like right shall vest in his assigns or legal representatives respectively, any of whom may make disclaimer. The Patent shall thereafter be deemed good and valid for so much of the invention as is truly the disclaimant's own, and not disclaimed, provided it be a material and substantial part of the invention and definitely distinguished from other parts claimed without right, and the disclaimant shall be entitled to maintain a suit for such part accordingly.

Patentee may make disclaimer.

CONVEYANCE AND INFRINGEMENTS OF PATENTS.

Government
may use any
patented in-
vention.

20. The Government of Canada may always use any patented invention, paying to the patentee such sum as the Commissioner may report to be a reasonable compensation for the use thereof.

Patents to be
assignable.
Assignments
to be regis-
tered.

21. Every Patent for an invention whensoever issued shall be assignable in law either as to the whole interest or as to any part thereof, by an instrument in writing, but such assignment, and also every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented within and throughout the Dominion of Canada, or within and throughout any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or any part of such Provinces or of the Dominion, shall be registered in the Office of the Commissioner; and every assignment affecting a Patent for invention shall be deemed null and void against any subsequent assignee unless such instrument is registered as hereinbefore prescribed, before the registering of the instrument under which such subsequent assignee may claim.

Penalty for
infringement
of patent.

22. Every person who, without the consent in writing of the Patentee, makes, constructs or puts in practice any invention for which a Patent has been obtained under this Act, or procures such invention from any person not authorized to make or use it by the Patentee, and uses it, shall be liable to the Patentee in an action of damages for so doing;—and judgment shall be enforced, and the damages, and costs as may be adjudged, shall be recovered in like manner as in other cases in the Court in which the action is brought.

Action for
infringement
of patent.

23. An action for the infringement of a Patent may be brought before any court having jurisdiction to the amount of damages asked for and having its sittings within the Province in which the infringement is said to have taken place, and being at the same time, of the courts of such jurisdiction within such Province, the one of which the place of holding is nearest to the place of residence or of business of the defendant; and such Court shall decide the case and determine about the cost. In any action for the infringement of a Patent, the Court if sitting, or any Judge thereof in chambers if the Court be not sitting may, on the application of the plaintiff or defendant respectively, make such order for an injunction, inspection or account, and respecting the same and the proceedings in the action, as the Court or Judge may see fit;—but from such order an appeal shall lie under the same circumstances and to the same Court, as from other judgments or orders of the Court in which the order was made.

24. Whenever the plaintiff fails to sustain his action, because his specification and claim, embraces more than that of which he was the first inventor,—and it appears that the defendant used or infringed any part of the invention justly and truly specified and claimed as new, the Court may discriminate, and the judgment may be rendered accordingly.

Court may discriminate in certain cases.

25. The defendant in any such action may specially plead as matter of defence any fact or default which by this Act or by law would render the Patent void;—and the Court shall take cognizance of that special pleading and of the facts connected therewith, and shall decide the case accordingly.

Defence in such actions.

NULLITY, IMPEACHMENT AND VOIDANCE OF PATENTS.

26. A Patent shall be void, if any material allegation in the petition, or declaration of the applicant be untrue, or if the specification and drawings contain more or less than is necessary for obtaining the end for which they purpose to be made, such omission or addition being wilfully made for the purpose of misleading; but if it shall appear to the Court that such omission or addition is simply an involuntary error and it is proved that the Patentee is entitled to the remainder of his Patent *pro tanto*, the Court shall render a judgment in accordance with the facts, and determine as to costs, and the Patent shall be held valid for such part of the invention described, and two office copies of such judgment shall be furnished to the Patent Office by the Patentee, one to be registered and to remain of record in the office, and the other to be attached to the Patent and made a part of it by a reference.

Patent to be void in certain cases or only valid for part.

27. Every Patent granted under this Act shall be subject and expressed to be subject to the condition that such Patent and all the rights and privileges thereby granted shall cease and determine and the Patent shall be null and void, at the end of three years from the date thereof, unless the Patentee shall, within that period, have commenced and carried on in Canada the construction or manufacture of the invention patented, and so that any person desiring to use it, may obtain it or cause it to be made for him at a reasonable price at some manufactory or establishment for making or constructing it, in Canada, and that such patent shall be void if after the expiration of eighteen months from the granting thereof, the patentee or his assignee or assignees for the whole or a part of his interest in the patent, imports or causes to be imported into Canada, the invention for which the Patent is granted.

Patents to be conditional on manufacture in Canada of thing patented.

28. Any person desiring to impeach any Patent issued under this Act, may obtain a sealed and certified copy of the Patent and of the petition, declaration drawings and specification there-

Proceedings for impeachment of patent.

unto relating, and may have the same filed in the Office of the Prothonotary or Clerk of the Superior Court for the Province of Quebec, or of the Court of Queen's Bench or Common Pleas for the Province of Ontario, or of the Supreme Court in the Province of Nova Scotia, or of the Court of Queen's Bench in the Province of New Brunswick, according to the domicile elected by the Patentee as aforesaid; which courts shall adjudicate on the matter and decide as to cost. The Patent and documents aforesaid shall then be held as of record in such Court, so that a Writ of *Scire Facias* under the Seal of the Court grounded upon such record may issue for the repeal of the Patent, for legal cause as aforesaid, if upon proceedings had upon the Writ in accordance with the meaning of this Act the Patent be adjudged to be void.

Certificate of judgment voiding patent to be entered.

29. A certificate of the judgment voiding any Patent, shall, at the request of any person or party filing it to be of record in the Patent Office, be entered on the margin of the enrolment of the Patent in the Office of the Commissioner, and the Patent shall thereupon be and be held to have been void and of no effect, unless and until it be reversed on appeal as hereinafter provided.

Judgment to be subject to appeal.

30. The judgment declaring any Patent void, shall be subject to appeal to any Court of Appeal having appellate jurisdiction in other cases over the Court by which the same was rendered.

PATENTS ISSUED UNDER FORMER LAWS.

Existing Provincial patents to remain in force.

31. All patents issued under any Act of the Legislature of the late Province of Canada, or of Nova Scotia or of New Brunswick, and all Patents issued for the Provinces of Ontario and Quebec under the Act of the late Province of Canada, to the date of the coming into operation of the present Act, shall remain in force for the same term, and for the same extent of territory, as if the Act under which they were issued had not been repealed, but subject to the provisions of this Act in so far as applicable to them.

Records of Provincial patent offices to be handed over to Commissioner.

32. All the records of the Patent Offices of the late Province of Canada, and of the Provinces of Ontario and Quebec, of Nova Scotia and New Brunswick, shall be handed over by the officers in charge of them to the Commissioner of Patents of invention, to form part of the records of the Patent Office for the purposes of this Act.

TARIFF OF FEES.

Tariff of fees.

33. The following fees shall be payable, to the Minister of Agriculture, before an application for any of the purposes hereinafter mentioned shall be entertained, that is to say :

On petition for a Patent for 5 years..... \$20 00

	On petition for extension from 5 to 10 years..	\$20 00
	On petition for extension from 10 to 15 years.	20 00
	On lodging a Caveat.....	5 00
	On asking to Register a Judgment <i>pro tanto</i> ..	4 00
5	On asking to Register an Assignment.....	4 00
	On asking to attach a Disclaimer to a Patent	4 00
	On asking for a copy of Patent with specifica- tion.....	4 00
10	On petition to reissue a Patent after surrender, the fee shall be at the rate of.....	4 00
	for every unexpired year of duration of such Patent.	

On office copies of Documents, not above mentioned, the following charges shall be exacted :

15	For every single or first folio of certified copy	\$0 50
	For every subsequent hundred words, (frac- tions from and under fifty being not counted, and over fifty being counted for one hundred).....	0 25

20 **34.** For every copy of drawings, the party applying shall pay such sum as the Commissioner considers a fair remuneration for time and labour expended thereon, by any officer of the Department or person employed to perform such service. Copies of drawings.

25 **35.** The said fees shall be in full of all services performed under this Act in any such case by the Commissioner or any person employed in the Patent Office. Fees to be in full for all services.

30 **36.** All fees received under this Act shall be paid over to the Receiver General and form part of the Consolidated Revenue Fund of Canada, except such sums as may be paid for copies of drawings when made by persons not receiving salaries in the Patent Office. Fees to be paid over to Receiver General.

37. No fee shall be made the subject of exemption in favor of any person, and no fee, once paid, shall be returned to the person who paid it, except : Of return of fees.

- 35
1. When the invention is not susceptible of being patented ;
 2. When the petition for Patent is withdrawn ;

And in every such case the Commissioner may return one half of the fee paid ;

40 And in the case of withdrawal, a fresh application shall be necessary to revive the claim, as if no proceeding had taken place in the matter.

MISCELLANEOUS PROVISIONS.

Intending applicant for patent may file *caveat*.

38. An intending applicant for a Patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file in the Patent Office a description of his invention so far, with or without plans, at his own will; and the Commissioner, on reception of the fee hereinbefore prescribed, shall cause the said Document to be preserved in secrecy, with the exception of delivering copies of the same whenever required by the said party or by any judicial tribunal—the secrecy of the document to cease when he obtains a Patent for his invention; and such document shall be called a *caveat*.

Commissioner may object to grant a patent in certain cases.

39. The Commissioner may object to grant a Patent in the following cases:

1. When he is of opinion that the alleged invention is not patentable in law; 15

2. When it appears that the invention is already in the possession of the public with the consent or allowance of the inventor;

3. When it appears that the invention has been described in a book or other printed publication before the date of the application; 20

4. When it appears that the invention has already been patented and not being a case within the seventh section of this Act, or not being a case in which the Commissioner of Patents has reasons to doubt that the patent already granted has been so obtained to the detriment of the real inventor. 25

Commissioner to notify applicant and state ground of objection.

40. Whenever the Commissioner objects to grant a Patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor with sufficient detail to enable the applicant, to answer, if he can, the objection of the Commissioner. 30

Applicant may appeal to Governor in Council.

41. Every applicant who has failed to obtain a Patent by reason of the objection of the Commissioner as aforesaid, may at any time within six months after notice thereof has been addressed to him or his agent, appeal from the decision of the Commissioner to the Governor in Council. 35

Documents to be open to inspection.

42. All specifications, drawings, disclaimers, judgments and other papers, except *caveats*, shall be open to the inspection of the public at the Patent Office, under such regulations as may be adopted in that behalf. 40

43. Clerical errors happening in the framing or copying of any instrument of the Patent Office, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Commissioner.

Clerical errors not to invalidate.

5 44. In case any Letters Patent shall be destroyed or lost, other of the like tenor, date and effect may be issued in lieu thereof, by the party paying the fees hereinbefore prescribed for office copies of documents.

Lost or destroyed patent may be replaced.

10 45. No letters patent shall extend to prevent the use of any invention in any foreign ship or vessel, where such invention is not so used for the manufacture of any goods to be vended within or exported from Canada.

Use of patented inventions in foreign ships.

15 46. Every person who before the issuing of a Patent has purchased, constructed or acquired any invention for which a Patent has been obtained under this Act, shall have the right of using and vending to others to be used in Canada, the specific art, machine, manufacture or composition of matter patented, so purchased, constructed or acquired before the issue of the Patent therefor, without being liable to the Patentee or his representatives for so doing; but the Patent shall not be held
20 invalid as regards other persons by reason of such purchase, construction or acquisition or use of the invention by the person first aforesaid, or by those to whom he may have sold the same, unless the same was purchased, constructed or acquired or
25 used for a longer period than two years before the application for a patent therefor.

Patent not to affect previous purchaser of invention.

30 47. Every Patentee under this Act, shall stamp, or engrave on each patented article sold or offered for sale by him, the year of the date of the Patent applying to such article, thus: "Patented 1868,"—or as the case may be; and any such Patentee selling or offering for sale any such Patented article not so marked, shall be liable to the punishment of a fine not to exceed *one hundred dollars*, and, in default of the payment of such fine, to imprisonment not to exceed two months.

Patented articles to be stamped.

35 48. Whosoever writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise makes upon any thing made or sold by him, and for the sole making or selling of which he is not the Patentee, the name or any imitation of the name of any Patentee for the sole making or selling of such thing, without
40 the consent of such Patentee—or without the consent of the Patentee writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon any thing not purchased from the Patentee, the words, "Patent," "Letters Patent," by the "Queen's Patent," "Patented," or any word or
45 words of like import, with the intent of counterfeiting or imitating the stamp, mark or device of the Patentee, or of deceiving the public and inducing them to believe that the thing

Certain offenders to be guilty of a misdemeanor.

in question was made or sold by or with the consent of the Patentee,—shall be deemed to have committed a misdemeanor, and shall on conviction be punished therefor by fine or by imprisonment or both, in the discretion of the Court before which the conviction shall be had, but the fine shall not exceed *two hundred* dollars nor shall the imprisonment exceed *three* months. 5

Making a false entry or copy to be a misdemeanor.

49. Any person wilfully making or causing to be made any false entry in any register or book, or any false, or altered copy of any document relating to the purposes of this Act, or shall produce or tender any such false or altered document knowing the same to be such, shall be guilty of a misdemeanor and shall be punished by fine and imprisonment accordingly. 10

Acts repealed.

50. Chapter thirty-four of the Consolidated Statutes of the late Province of Canada, respecting Patents for Inventions,—Chapter one hundred and seventeen of the Revised Statutes of Nova Scotia, (third series),—Chapter one hundred and eighteen of the Revised Statutes of New Brunswick,—and any Act amending any of the said Chapters or any other Act, are hereby repealed, in so far as they or any of them may be inconsistent with this Act, or make any provision in any matter provided for by this Act, except only as respects all rights acquired and penalties or liabilities incurred under the said laws or any of them, before the coming into force of this Act. 15 20

Short title.

51. When citing this Act it shall be sufficient to call it "The Patent Act of 1868." 25

Commencement.

52. This Act shall commence and take effect two months after the date of its being sanctioned by the Governor.

1st Session, 1st Parliament, 31 Victoria, 1868.

S.

BILL.

An Act respecting Patents of Invention.

Received and read first time Tuesday, 5th May, 1868.

Second reading Friday, 8th May, 1868.

Hon. Mr. CHAPPAIS.

BILL.

An Act to provide for taking Evidence in Canada in relation to civil and commercial matters pending before Courts of Justice in any of Her Majesty's Dominions or before Foreign Tribunals.

WHEREAS it is expedient that facilities be afforded for taking evidence in Canada, in relation to civil and commercial matters pending before Courts of Justice in any of Her Majesty's Dominions or before Foreign Tribunals; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Where upon an application for that purpose it is made to appear to any Court or Judge having authority under this Act that any Court or Tribunal of competent jurisdiction, in any of Her Majesty's Dominions, or in any foreign country, before which any civil or commercial matter is pending is desirous of obtaining the testimony in relation to such matter of any witness or witnesses within the jurisdiction of such first mentioned Court, or of the Court to which such Judge belongs, or of such Judge, it shall be lawful for such Court or Judge to order the examination upon oath, upon interrogatories, or otherwise, before any person or persons named in such order of such witness or witnesses accordingly, and by the same or any subsequent order to command the attendance of such witness or witnesses for the purpose of being examined, and for the production of any writings or other documents to be mentioned in such order, and of any other writings or documents relating to the matter in question that may be in the possession or power of such witness or witnesses.

Preamble.
Order for examination in Canada of witnesses in relation to any civil or commercial matter pending before British or foreign tribunals.

2. Upon the service upon such witness or witnesses of such order and of an appointment of a time and place for the examination of such witness or witnesses, signed by the person named in such order for taking the same, or if more than one person be named then by one of the persons named, and upon payment or tender of the like conduct money as is properly payable as upon attendance at a trial, such order may be enforced in like manner as an order made by such Court or Judge in a cause depending in such Court or before such Judge.

When served &c., in what manner to be enforced.

3. Every person whose attendance shall be required in manner aforesaid shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial.

Conduct money and payment for expenses.

4. Any person examined under any order made under this Act shall have the like right to refuse to answer questions tending to criminate himself, and other questions which a witness in any cause pending in the Court by which, or by a Judge whereof, such order is made, would be entitled to, and no person shall be compelled to produce under any such an order any writing or other document that he could not be compelled to produce at a trial of such a cause.

Witnesses to have right of refusal to answer questions and produce documents.

5. It shall be lawful for any person authorized to take the examination of witnesses by any order made in pursuance of this Act to take

Examination to be upon oath.

Persons giving false evidence to be guilty of perjury.

such examination upon the oath of the witnesses, or upon affirmation in cases where by the law of the Province wherein such examination is taken, affirmation is allowed instead of oath; such oath or affirmation to be administered by the person so authorized, or if more than one, then by one of such persons; and if upon such oath or affirmation, any person making the same, wilfully and corruptly gives any false evidence, every person so offending shall be deemed and taken to be guilty of perjury. 5

Certain Courts and Judges to have authority under this Act; and may frame rules, &c.

6. The Court of Appeal for Canada, in the event of such Court being constituted, and the Superior Courts of Common Law or Equity in any Province in Canada and any Judge of such Courts shall respectively be Courts and Judges having authority under this Act; and the said Courts may respectively frame rules and orders in relation to the evidence to be produced in support of the application for an order for examination of witnesses under this Act, and generally for carrying this Act into effect; and in the absence of any order in relation to such evidence, letters rogatory from any Court of Justice in the Dominions of Her Majesty, or from any foreign tribunal, in which such civil or commercial matter may be pending shall be deemed and taken to be sufficient evidence in support of such application. 15 20

I

BILL.

An Act to provide for taking Evidence in Canada in relation to civil and commercial matters pending before Courts of Justice in any of Her Majesty's Dominions or before Foreign Tribunals.

Received and read, first time, Wednesday, 6th May, 1868.

Second reading, Friday, 8th May, 1868.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY.

BILL.

An Act relating to Quarantine and Public Health.

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

QUARANTINE.

1. The Governor in Council may from time to time make such Regu- Governor
lations as he thinks proper, for enforcing compliance with all the require- may make
5 ments of this Act, and concerning the entry or departure of boats or Quarantine
vessels at the different ports or places in Canada, and concerning the Regulations.
landing of passengers or cargoes from such boats or vessels, or the
receiving of passengers or cargoes on board of the same as may be
thought best calculated to preserve the public health, and for ensuring
01 the due performance of Quarantine, by and in respect of vessels, pas-
sengers, goods or things arriving at any port within Canada, to which
he thinks it right for the preservation of the Public Health that such
regulation should apply, and for the thorough cleansing and disinfecting
of such vessels, passengers, goods or things, so as to prevent as far as
15 possible, the introduction or dissemination of disease into or in Canada,
and may appoint or remove such officers as he may deem necessary for
so doing, and assign to them respectively such powers as he may think
required for carrying out the provisions of such Regulations, and may
20 may make others in their stead, and may impose penalties, forfeitures
and punishments for the breach thereof, which Regulations shall be
notified by proclamation published in the *Canada Gazette* at least
twice; and the production of the copies of the *Gazette* containing any
such proclamation, shall be evidence of the making, date and contents of
25 such Regulations.

2. Such Regulations shall have the force of law during the time they Quarantine
respectively remain unrevoked, unless they be expressly limited to be regulations to
in force only during a certain time or at certain times or seasons, in have the force
30 which case they shall have the force of law during the time and at the of law.
times and seasons during or at which they have been limited to be
in force; and any person disobeying any such Regulation may be prose-
cuted for a misdemeanor, punishable by fine or imprisonment or both,
as the Court may direct, or otherwise such person may be sued for the
penalties contained in such Regulation.

3. By such Regulations, the Governor in Council may require the Vessels from
35 master of every vessel coming up the River St. Lawrence from below sea, &c., may
the Quarantine Station at *Grosse Ile*, or arriving by sea at any Port or be required to
Place in Canada, (except only such vessels as are therein desig- perform
nated and referred to as excepted), to bring his vessel to anchor at Quarantine.
40 the anchorage at the proper Quarantine Station designated in the Regu-
lations, and report such vessel in writing to the officer at such station
designated for that purpose in such Regulations with all the particulars
relative to the same, and to the voyage, passengers and cargo thereof,
required by such Regulations or by any officer duly authorized under
45 them to require the same, and to allow the proper officer to visit and

inspect such vessel and every part thereof, and the passengers and crew and the cargo and other articles on board the same,—and to answer truly all questions asked of him touching the same,—and to send on shore at such station and at the places there pointed out by the officer thereunto authorized by such Regulations, any or all of the passengers, 5 crew, cargo or other articles on board such vessel, as such officer thinks necessary for preventing the introduction of contagious or infectious disease, and to allow such passengers, crew, cargo or other articles, and also the vessel itself to remain so long at such station and at such places thereat respectively, and to be so treated, cleansed and purified, 10 as such officer shall think necessary for the purpose aforesaid.

Powers of officers at Quarantine Station.

4. And by such Regulations the Governor in Council may assign to the several officers and persons to be employed at any such Quarantine Station, the powers and duties necessary for carrying the said Regulations and this Act fully into effect, and may declare that any such officer or person shall, by virtue of his office or employment, be a Justice of the Peace or a Constable or Peace Officer for such Quarantine Station, and for the space around the same described in such Regulations; and such officer shall accordingly be such Justice of the Peace or Peace Officer whether he be otherwise qualified or not: and by such Regulations the Governor in Council may impose penalties not exceeding four hundred dollars in any case, on persons contravening the same, and may provide that the offender shall be imprisoned until such penalty be paid, and may direct that no vessel shall be entered or cleared at any Custom House in Canada, until all the requirements of such Regulations are fully complied with, and may direct that any person, vessel or thing, who or which has passed or departed or been removed from any Quarantine Station, before all the requirements of such Regulations have been complied with in respect of such person, vessel or thing, or without the written permission of the officer empowered to authorize such passing or departure, may be compelled to return or be carried back to such station, and by force if necessary. 15 20 25 30

Medical Officer at Quebec.

5. The Governor in Council may appoint one medical officer at Quebec to board, visit and inspect boats or vessels arriving in the Harbour of Quebec from sea, and to perform such other duties and have such powers as the Governor in Council may by any regulations direct. 35

Penalties, &c., to be special liens on vessels.

6. Every penalty or forfeiture, imposed or declared under the authority of this Act, shall be a special lien upon the vessel by reason whereof it has become payable, and the master whereof has become liable in such penalty, and may be enforced and collected by the seizure and sale of the vessel, her tackle apparel and furniture, under the warrant or process of the Justices or Court, before whom it has been sued for and recovered, and shall be preferred to all other liens or hypothecations, except mariners' wages, and shall be reconsidered in a summary manner before any one Justice of the Peace on the evidence of any one credible witness. 40 45

PUBLIC HEALTH.

Governor may make health regulations.

7. Whenever Canada, or any part thereof, appears to be threatened with any epidemic, endemic, contagious or infectious disease, the Governor may, by proclamation, make such Regulations as he thinks proper and necessary to prevent the introduction of such disease from beyond the limits, or to prevent its spread within the limits of Canada, and otherwise protect the public health, and he may from time to time revoke or amend the same or make others in their stead in like manner, and may impose penalties, forfeitures and punishments for the breach thereof, and such Regulations shall be published, at least twice, in the *Canada Gazette*, and the production of copies of the 50 55

Gazette containing such proclamation, shall be evidence of the making, date and contents of such regulations.

8. Such Regulations shall have force of law during the time they respectively remain unrevoked, unless they be expressly limited to be in force only during a certain time or certain seasons, during which time or seasons all provincial or local laws and by-laws or other enactments emanating from local authorities which may be in contradiction with such Regulations, shall be suspended in their effect in so far as they may be contrary to such Regulations. Health regulations to have the force of law.
- 10 9. By such Regulations the Governor in Council may appoint for any specified time, one or several "Central Boards of Health," and may name the members thereof, and also such medical and other officers and such servants as he may deem necessary to assist such boards, and the powers and duties of the said boards shall be such as are affixed to them by such Regulations, and may be exercised by any number of the members thereof mentioned in the said Regulations, as constituting the quorum thereof; and the powers and duties of such boards shall cease on the revocation or at the time of the expiration of the Regulations aforesaid. Central Boards of Health.
- 20 10. When and so long as such Regulations are in force, it shall be the duty of every Municipal Corporation or County Sessions within Canada to organize a "Local Board of Health" for the limits of their respective jurisdictions, and such "Local Boards" or any three members thereof, shall have power to act under the Regulations aforesaid, and the direction of any "Central Board of Health" designated in such Regulations, and the duties of such Local Boards of Health shall be to enforce generally all sanitary measures required and carry out the Regulations of the Governor in Council, and such orders as may be issued by the "Central Boards" in pursuance of the provisions of such Regulations. Local Boards of Health.
- 25 11. In the case of Municipal Corporations or County Sessions neglecting or refusing to appoint a Local Board of Health as aforesaid, or in the absence of any such authority in any locality the Governor in Council may nominate persons within the limits of such Municipal Corporation County or locality to constitute such Local Boards of Health. May be constituted by the Governor in certain cases.
- 30 12. Whosoever wilfully obstructs any person acting under the authority of this law and of the aforesaid Regulations, or wilfully violates the dispositions contained in the said Regulations, concerning the public health, or in orders promulgated by the "Boards of Health" in pursuance with such Regulations, shall be liable for every such offence to a penalty not exceeding twenty dollars, or imprisonment not exceeding ten days, before any two Justices of the Peace, on the evidence of any credible witness. Penal clause.
- GENERAL PROVISIONS.
- 45 13. The expenses of the Quarantines and of the Central Boards of Health and of the Local Boards of Health, nominated by the Governor in Council in localities where there are no incorporated local authorities, shall be defrayed out of any moneys appropriated for that purpose by Parliament, and the expenses of the Local Boards of Health shall be paid by the respective Municipal Corporations or County Sessions in the same manner and by the same means as other expenses incurred by such Corporations or Counties. Payment of expenses of Quarantine and Boards of Health.
- 50 14. All pecuniary penalties levied under the authority of that part of this Act, which relates to Quarantine, and to localities where no incorporated local authorities exist shall be paid into the hands of Distribution of pecuniary penalties.

the Receiver General to form part of the Consolidated Revenue of Canada, and all pecuniary penalties levied under that part of this Act which relates to Public Health, shall be paid into the hands of the Treasurer of the Municipal Corporation or County Sessions in whose jurisdiction the recovery has taken place, to form part of the revenue of such Corporation or County.

INTERPRETATION.

- 15.** In this Act, unless there be something in the context inconsistent with such interpretation, the word "master" shall apply to any person in command of a vessel; the word "vessel" shall include all ships, vessels or craft of any kind carrying passengers; the word "passengers" shall apply to all passengers as well as to immigrants usually and commonly known and understood as such, but not to troops or military pensioners and their families, who are carried in transports or at the expense of the Imperial Government; the words "Quarantine Station" shall apply to *Grosse Ile*, Partridge Island, or other place at which quarantine is directed to be performed. 10
15
- 16.** The following Acts and parts of Acts, and all other Acts and parts of Acts inconsistent with this Act, or with any provision provided for in this Act, are hereby repealed:—
- C.S.C., cap. 38. Chapter Thirty eight of the Consolidated Statutes of the late Province of Canada. 20
- Sections 22, 23 and 24 of C.S.C., cap. 40. Sections twenty-two, twenty-three and twenty-four of the Act forming the fortieth chapter of the Consolidated Statutes of the late Province of Canada.
- Section 4 of C.S.U.C., cap. 59. Section four of the Act forming the fifty-ninth chapter of the Consolidated Statutes for Upper Canada. 25
- R.S.N.S., c. 52. Chapter fifty-two "of Quarantine" of the Revised Statutes of Nova Scotia,—Third Series.
- Act of N.S., 29 V., c. 8. The Act passed by the Legislature of the Province of Nova Scotia, in the twenty-ninth year of Her Majesty's Reign, chapter eight, intituled "An Act to authorize the establishment of a Quarantine Station at the Port of Halifax." 30
- Part of sec. 3 of cap. 58 of R.S.N.B. So much of the third section of the fifty eighth chapter of the Revised Statutes of New Brunswick, as authorizes any Sessions or Special Sessions to make Regulations for the performing of quarantine by any vessel, or prohibiting any person from landing from the same, or preventing any intercourse with persons on board. 35
- Act of N.B., 18 V., c. 40, s. 8. So much of the eighth section of the Act of the Legislature of the Province of New Brunswick, passed in the eighteenth year of Her Majesty's reign, chapter forty, intituled "An Act to establish a Board of Health in the City and County of St. John," as authorizes the Board of Health for the City and County of St. John to regulate or prohibit the ingress of vessels to any port or place within the district under its jurisdiction. 40
- Act of N.B., 18 V., c. 40, s. 10. The tenth section of the said last mentioned Act, save and except so much thereof as enacts that any dangerous or offensive matter or thing may be destroyed by order of the Board of Health. 45
- Acts of N.B., 21 V., c. 51, s. 4, 24 V., c. 26, and 26 V., c. 29. The fourth section of the Act of the Legislature of the Province of New Brunswick passed in the twenty-first year of Her Majesty's reign, chapter fifty-one, intituled "An Act to amend and continue an Act 50

intituled *An Act to establish a Board of Health in the City and County of St. John,*" and so much of the Act of the said Legislature passed in the twenty-fourth year of Her Majesty's Reign, chapter twenty-six, and of the Act of the said Legislature passed in the twenty-sixth year 5 of Her Majesty's Reign, chapter twenty-nine as continues the said section and causes the same to be and remain in force.

17. In citing this Act, it shall be sufficient to call it the "Quaran- Short title-
tine and Health Act of 1866."

U—2

1st Session, 1st Parliament, 31 Vict., 1868.

U

BILL.

An Act relating to Quarantine and Public Health.

Received and read first time, Monday, 11th May, 1868.

Second reading, Wednesday, 13th May, 1868.

Hon. Mr. CHAPPAIS.

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY,

BILL.

An Act respecting Bank Statements.

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

1. Instead of the statement of its liabilities and assets, which any Bank is now required by its Charter or by law to make up, the statements specified and defined in the Schedule to this Act are hereby substituted, 5 and every such Bank now by law required to make such statement, shall in place and instead thereof, cause to be made up to the last day of each month, in every year, not being a Sunday or Holiday, and to be published in the *Canada Gazette*, a statement of the liabilities and assets of such Bank, in the form and containing the particulars shewn in the 10 Schedule of this Act, and such statement shall be verified by the declaration of some of the Directors, or by the Cashier or some like Officer of the Bank, having a knowledge of the truth of the contents of such statement.

SCHEDULE.
BANK RETURN.—RETURN TO BE MADE TO GOVERNMENT.

CAPITAL AUTHORIZED, \$

CAPITAL SUBSCRIBED, \$

CAPITAL PAID UP, \$

LIABILITIES.

	Total.		Held in the Province of Ontario.		Held in the Province of Quebec.		Held in the Province of Nova Scotia.		Held in the Province of New Brunswick.	
	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.
1. Circulation.....										
2. Government Deposits, payable on demand.....										
3. Other Deposits, payable on demand.....										
4. Government Deposits payable after notice.....										
5. Other Deposits, payable after notice.....										
6. Due to other Banks in Canada.....										
7. Due to other Banks not in Canada.										

ASSETS.

	Total.		Held in the Province of Ontario.		Held in the Province of Quebec.		Held in the Province of Nova Scotia.		Held in the Province of New Brunswick.	
	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.
1. Specie.....										
2. Provincial Notes.....										
3. Notes of other Banks.....										
4. Balances due from other Banks in Canada.....										
5. Balances due from other Banks not in Canada.....										
6. Government Debentures or Stock.....										
7. Notes and Bills Discounted for Individuals, and Current.....										
8. Notes and Bills Discounted for Individuals, and Overdue.....										
9. Loans and Advances on Current Account, or Discounts to the Government.....										
10. Loans, Discounts or Advances on Current Account to Corporations.....										
11. Loans, Discounts or Advances on Current Account to Directors, or Firms of which Directors are Members.....										
12. Overdue Debts secured by Mortgage or other deed of Real Estate.....										
13. Real Estate, the property of the Bank, other than Bank premises.....										
14. Bank Premises.....										

The amounts of items Numbered 2, 3, 4, 5 and 6 of the Liabilities owing in each Province to be extended in the proper columns, and the same to be done with the amounts of items Numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the Assets held in each Province.

V

BILL

An Act respecting Bank Statements.

Received and read, first time, Monday,
11th May, 1868.

Second reading, Wednesday, 13th May
1868.

Hon. D. L. MACPHERSON.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act respecting Police 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 Governor in Council may, from time to time, appoint by Commission under the Great Seal, one or more fit and proper persons to be and act as a Commissioner or Commissioners of Police within any one or more of the Provinces of Canada, or within any one or more of the Districts or Counties in any Province or within any temporary Judicial District, or any Provisional Judicial District in Ontario. Governor may appoint Commissioners of Police

2. The Governor in Council may, from time to time, direct and authorize any Commissioner of Police under this Act to appoint any fit and proper persons to serve as Police Constables under and within the jurisdiction of such Commissioner of Police, and such Commissioner may, at his pleasure, remove any such Police Constable, and every such Police Constable shall obey all lawful directions and be subject to the government of such Commissioner of Police, and shall be charged with all the powers, rights and responsibilities which belong by law to constables duly appointed in the Province, or District or County of the Province, in which they may be appointed. Commissioners of Police may appoint Police Constables.

3. If any Police Constable appointed under the authority of this Act, be guilty of any disobedience of orders, neglect of duty, or any misconduct as such Police Constable, and be convicted thereof before any Commissioner of Police, Police Magistrate or Justice of the Peace, he shall forfeit a sum to be fixed by such Commissioner, Police Magistrate or Justice, not exceeding forty dollars and costs, and in default of immediate payment thereof, shall suffer imprisonment for any time not exceeding three months, unless such fine and costs be sooner paid, and any such person may be proceeded against by indictment for any offence committed by him as such Constable, but not both by indictment and under this Act for the same offence. Penalty for misconduct by Police Constables.

4. Every Commissioner of Police appointed under this Act shall, for the purpose of carrying out the Criminal laws and other laws of the Dominion, have and exercise within the Province or Provinces, or District or Districts, or County or Counties, or temporary Judicial District or Provisional Judicial District of a Province for which he is appointed, all the powers and authority, rights and privileges by law appertaining to Police Magistrates of Cities, in the same Province (except as regards offences against Municipal By-laws, and as regards other purely Municipal matters,) and all the powers and authority, rights and privileges appertaining to Justices of the Peace generally, and shall be subject in all respects except as otherwise provided by this Act, to the requirements of the law of the Province in and for which, or any District or County in which he may be appointed, respecting Police Magistrates and the office of Justice of the Peace; but it shall not be necessary for any Commissioner of Police appointed under this Act to possess any property qualification or to be actually resident within any district, county, temporary judicial district or provisional judicial district of a Province for which he may be appointed. Powers, &c., of Commissioners of Police.

Duties of Commissioners.

5. Every such Commissioner of Police shall keep minutes of every proceeding had by and before him, and shall keep such accounts, make such returns and collect such information within his jurisdiction, and perform such other duties as the Governor may from time to time prescribe and require.

5

Regulations, pay and annual account to Parliament.

6. Every Commissioner of Police and every Police Constable appointed under this Act shall be subject to such regulations in respect to the order, management, and disposition of the Police, and shall receive such rates of pay or allowance as may from time to time be prescribed by the Governor in Council; and an account shall be laid before Parliament within the first two weeks after the meeting of each Session, of the average number of men employed during each month of the year, and of the cost of pay, and of travelling expenses expended in respect thereof.

Appropriation of fines, penalties and forfeitures.

7. All moneys arising from penalties, forfeitures and fines imposed by any Commissioner of Police shall, if not directed by law to be otherwise appropriated, be from time to time paid to such Commissioner of Police, who shall account for the same and pay over or disburse the moneys arising therefrom at such times and in such manner, and to such person or persons as the Governor may from time to time direct.

20

1st Session, 1st Parliament, 31 Vic., 1868.

W

BILL.

An Act respecting Police of Canada.

Received and read, first time, Wednesday, 13th May, 1868.

Second reading, Friday, 15th May, 1868.

Hon. Mr. CAMPBELL

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY.

BILL.

An Act respecting Trade Marks and Industrial Designs.

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

Preamble.

1. The Minister of Agriculture, shall cause to be kept in his office books to be denominated respectively the "Trade Mark Register," and "The Register of Industrial Designs," in which any proprietor of a Trade Mark or of a Design may have the same registered by depositing with the said Minister a drawing and description in duplicate of such Trade Mark or Design, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof ; and the said Minister of Agriculture, on receipt of the fee hereinafter provided, shall cause the said Trade Mark or Design to be examined ; to ascertain whether it resembles any other Trade Mark or Design already registered ; and if he find that such Trade Mark or Design is not identical with or does not so closely resemble as to be confounded with any other Trade Mark or Design already registered, he shall register the same, and shall return to the proprietor thereof one copy of the drawing and description, with a certificate signed by the Minister or his Deputy to the effect, that the said Trade Mark or Design has been duly registered in accordance with the provisions of this Act ; and there shall be further stated in such certificate the day, month and year of the entry thereof, in the proper Register ; and every such certificate shall be received in all Courts of Law or of Equity in Canada, as evidence of the facts therein alleged, without proof of the signature.

Minister of Agriculture to register trade marks and industrial designs and grant certificates.

2. The Minister of Agriculture, may from time to time, subject to the approval of the Governor in Council, make such rules and regulations and adopt forms for the purposes of this Act, and such rules, regulations and forms circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act, and all documents executed according the same and accepted by the Minister of Agriculture shall be held valid so far as relates to the official proceedings under this Act.

Minister may make rules and adopt forms.

TRADE MARKS.

3. For the purposes of this Act, all marks, names, brands, labels, packages or other business devices, which may be

What shall be deemed trade marks.

adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description by him manufactured, produced, compounded, packed or offered for sale, no matter how applied, whether to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatever containing the same, shall be considered and known as Trade Marks, and may be registered for the exclusive use of the party registering the same in the manner hereinafter provided; and thereafter he shall have the exclusive right to use the same, to designate articles manufactured or sold by him.

Trade marks
may be can-
celled.

4. Any person having registered a Trade Mark may petition for the cancellation of the same, and the Minister of Agriculture may cause, on receiving such petition, the said Trade Mark to be so cancelled; and the same shall after such cancellation be considered as if it had never been registered under the name of the said party.

Registered
trade marks
assignable.

5. Every Trade Mark registered in the office of the Minister of Agriculture shall be assignable in law, and on the assignment being produced and the fee hereinafter provided being paid, the Minister of Agriculture shall cause the name of the assignee, with the date of the assignment and such other details as he may see fit, to be entered on the margin of the Register of Trade Marks on the folio where such Trade Mark is registered.

Conflicting
claims to a
trade mark
how to be dealt
with.

6. If any person shall make application to register, as his own, any trade mark, which has been already registered, the Minister of Agriculture shall cause all parties interested therein to be notified to appear, in person or by Attorney, before him, with their witnesses, for the purpose of establishing which is the rightful owner of such trade mark, and after having heard the parties and their witnesses, the said Minister shall order such entry or cancellation, or both, to be made as he shall deem just; in the absence of the said Minister, his Deputy may hear and determine the case and make such entry or cancellation, or both, as to right and justice may appertain, and, similarly, any error in Registering Trade Marks or any oversight about conflicting registrations of Trade Marks may be settled in the same manner.

Penalty for
using another
person's trade
mark.

7. If any person, other than the party who has registered the same, shall mark any goods or any article of any description whatever with any trade mark registered under the provisions of this Act, or with any part of such trade mark, whether by applying such trade mark or any part thereof to the article itself or to any package or thing containing such article, or by using any package or thing so marked which has been used by the proprietor of such trade mark, or shall knowingly sell or offer for sale any article marked with such trade mark, or with

any part thereof, with intent to deceive and to induce persons to believe that such article was manufactured, produced, compounded, packed or sold by the proprietor of such trade mark, he shall be guilty of a misdemeanor, and, on conviction thereof, 5 shall forfeit, for each offence, a sum of not less than twenty dollars and not exceeding one hundred dollars, which amount shall be paid to the proprietor of such trade mark, together with the costs incurred in enforcing and recovering the same; Provided, always, that every complaint under this section shall 10 be made by the proprietor of such trade mark, or by some one acting on his behalf and duly authorized thereto.

8. If any person shall knowingly and wilfully register as his own any trade mark, the property of a person not resident in Canada, he shall be guilty of a misdemeanor, and shall 15 be subject and liable to the penalty mentioned in the preceding section; And the entry of every such trade mark in the Trade Marks Register, shall be cancelled on receipt of a certificate signed by the Clerk of the Court, or the Justices of the Peace before whom the conviction was had, of any such conviction; 20 and one-half of every such penalty shall be paid to the party prosecuting, and the other half to the Crown.

Penalty for registering another's trade mark as your own.

9. If any person shall counterfeit or use the trade mark of any person, not resident in Canada, with intent to deceive the public and lead to the belief that the articles or pack- 25 age so marked were manufactured or put up by the owner of such trade mark, although the same is not registered in this Province, he shall, on conviction thereof, forfeit a sum of not less than ten dollars nor more than fifty dollars for each offence, with costs, one-half of which penalty shall be paid to the com- 30 plainant and the other half to the Crown.

Penalty for using trade marks of persons not resident in Canada.

10. Complaints under either of the two next preceding sections may be brought by any party or person whatever, and the penalties mentioned in the three next preceding sections shall be enforced and recovered in the same manner, and subject to 35 the same provisions as are provided in the sections of this Act respecting the registration and protection of designs.

Recovery of penalties.

11. The use of any trade mark either identical with that of any manufacturer, producer, packer, or vender, or so closely resembling it as to be calculated to be taken for it by ordinary 40 purchasers, shall be held to be a use of such trade mark.

Close imitation of trade marks forbidden.

12. Notwithstanding anything in the preceding sections contained, a suit may be maintained by any proprietor of a trade mark against any person using his registered trade mark, or any fraudulent imitation thereof, or selling articles bearing 45 such trade mark, or any such imitation thereof, or contained in packages being or purporting to be his, contrary to the provisions of this Act.

Action of damages for using trade mark.

REGISTRATION OF DESIGNS.

Copyright of registered design.

13. The Copyright acquired for an industrial design by the Registration of the same as aforesaid shall be valid for the term of five years.

Registration of design, how made.

14. Every design to be protected must be registered before publication; and, after Registration, the name of the proprietor, who must be a resident of Canada, shall appear upon the article to which his design applies; if the manufacture be a woven fabric, by printing upon one end; if another substance, at the edge or upon any convenient parts, the letters Rd., with the mention of the year of the Registration; the mark may be put upon the manufacture by making it on the material itself, or by attaching thereto a label containing the proper marks.

Proprietor of design.

15. The author of the design shall be considered the proprietor thereof, unless he has executed the design for another person, for a good or valuable consideration, in which case such other person shall be considered the proprietor, and shall alone be entitled to register it; but his right to the property shall only be co-extensive with the right which he may have acquired.

Designs assignable in law.

16. Every design shall be assignable in law, either as to the whole interest or any undivided part thereof, by an instrument in writing, which assignment shall be recorded in the office of the Minister of Agriculture, on payment of the fees hereinafter provided; And every proprietor of a design may grant and convey an exclusive right, under any copyright, to make, use and vend, and to grant to others to make, use and vend such design within and throughout Canada, or any part thereof, for the unexpired term thereof or any part thereof; which exclusive grant and conveyance shall be called a license, and shall be recorded in the same manner and within the same delay as assignments.

No person to use a registered design without license.

Penalty for contravention.

17. During the existence of the right (whether it be of the entire or partial use of such design,) no person shall, without the license in writing of the registered proprietor, apply such design, or a fraudulent imitation thereof, to the ornamenting of any article of manufacture, &c., for the purposes of sale, or publish, sell, or expose for sale or use any article of manufacture, &c., to which such design, or fraudulent imitation thereof shall have been applied, under penalty of not less than twenty dollars, and not exceeding one hundred and twenty dollars, to the proprietor of the design, and costs—to be recovered by the registered proprietor, or his assignee, by suit in any Court, having jurisdiction in suits of a like amount.

Penalty for marking an unregistered

18. Every person placing the words "registered," or the letters "Rd.," upon any unregistered article, or upon any

article the copyright of which has run out, or advertising the same for sale as a registered article, or unlawfully selling, publishing, or exposing for sale such article, knowing the same to have been fraudulently stamped or that the copyright thereof
 5 has expired, shall forfeit for every offense a sum not less than four dollars and not exceeding thirty dollars, to be recovered in the same manner as penalties under the next preceding section, and that by any person whatever, who shall receive one-half the amount of the said last mentioned penalty, on the recovery of
 10 the amount which the offender may have been condemned to pay.

article as registered.

19. A suit may be maintained by the proprietor of any design for the damages he has sustained by the application or imitation of the design, for the purpose of sale, against any
 15 person so offending, he (the offender) knowing that the proprietor of the design had not given his consent to such application.

Action of damages for using design without license.

20. If any person, not being the lawful proprietor of a design, be registered as proprietor thereof, the rightful owner may
 20 institute an action in the Superior Court in the Province of Quebec, in the Court of Queen's Bench in the Provinces of Ontario, and in the Supreme Court in the Provinces of Nova Scotia or New Brunswick as the case may be, and the Court having cognizance of such suit may, if it appear that the design
 25 has been registered in the name of a wrong person, either direct the registration to be cancelled, or that the name of the lawful proprietor shall be substituted for the name in the register, with costs in its discretion, and on application by the Plaintiff supported by affidavit, it shall be lawful for any such
 30 Court, pending such action or proceedings, at its discretion, to issue an order upon the defendant prohibiting the use of such design, pending such suit or proceedings, under pain of being held in contempt of such Court.

How the true proprietor may proceed against person having fraudulently registered a design as his own.

21. The Minister of Agriculture, after due service of such
 35 order and payment of the fee hereinafter provided, shall cause such alteration to be made in the Register as shall in said order be directed.

Alteration in register.

22. All proceedings, under the preceding sections of this Act, shall be brought within twelve months from the commission of the offence, and not after; nor shall any of the clauses
 40 of this Act apply to protect any design which does not belong to a person resident within Canada and is not applied to a subject matter manufactured in Canada.

Limitation of actions.

23. On the copy returned to the person registering, a certificate shall be given, signed by the Minister or by his Deputy,
 45 that the design has been registered, the date of registration, the name of the registered proprietor, his address, the number of such

Certificate or copy returned to the owner.

design, and the number or letter employed to denote or correspond with the registration, which said certificate, in the absence of proof to the contrary, shall be sufficient proof of the design, of the name of the proprietor, of the registration of the commencement and period of registry, of the person named as proprietor being proprietor, of the originality of the design, and of compliance with the provisions of this Act; and generally the writing accompanied with the said seal shall be received as evidence of the facts therein stated, without proof of the signature.

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GENERAL PROVISIONS.

Inspection of registers.

24. Any person may be allowed to inspect the Register of Trade Marks and the Register of Industrial Designs; and the Minister may cause copies or representations of Trade Marks or Industrial Designs to be delivered, on the applicant for the same paying the fee which shall be deemed sufficient for the purpose of having the same copied or represented.

15

Minister may refuse to register certain designs.

25. The Minister of Agriculture shall have power to refuse to register such designs as do not appear to him to be within the provisions of this Act, or when the design is contrary to public morality or order, subject, however, to appeal to the Governor in Council.

20

Publication of titles of design.

26. The Minister of Agriculture shall, from time to time, cause to be published in the *Canada Gazette* the titles of the designs registered and the names and places of abode of the registered proprietors.

25

Clerical errors not to invalidate.

27. Clerical errors happening in the drawing up or copying of any instrument, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture.

Table of Fees.

28. The following fees shall be payable, to wit:—

30

On every application to register a design or trade mark, including certificate.....	\$5.00	
For each certificate of registration not already provided for.....	1.00	
For each copy of any drawing, the reasonable expenses of preparing the same.		35
For recording any assignment.....	2.00	
For office copies of Documents or entries, not above mentioned, the following charges shall be exacted:		
For every single or first folio.....	\$0.50	
For every subsequent hundred words, (fractions from and under fifty being not counted, and over fifty being counted for one hundred).....	0.25	40

All of which fees shall be paid over by the Minister of Agriculture to the Receiver General of Canada.

29. The Act twenty-fourth Victoria, chapter twenty-first Repeal of Acts.
of the Statutes of the late Province of Canada, and the thirtieth
5 Victoria, chapter thirty-first of the Province of New Brunswick,
and all other Acts or parts of Acts inconsistent with the present
Act are hereby repealed.

30. In citing this Act it shall be sufficient to call it "The Short title.
Trade Mark and Design Act of 1868."

X.

BILL.

An Act respecting Trade Marks and Industrial Designs.

Received and read first time Friday 15th May,
1868.

Second reading Saturday 16th May, 1868.

HON. MR. CHAPMAN.

BILL.

An Act respecting Copyrights.

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

Preamble.

1. The Minister of Agriculture shall cause to be kept in his Office, a book to be called the "Register of Copyrights" in which proprietors of literary, scientific, and artistic works or compositions, may have the same registered in accordance with the provisions of this Act.

Register of Copyrights.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as may appear to him necessary and expedient for the purposes of this Act; such regulations and forms being circulated in print for the use of the public shall be deemed to be correct for the purposes of this Act, and all documents, executed according the same and accepted by the said Minister of Agriculture, shall be held valid so far as relates to all official proceedings under this Act.

Minister of Agriculture to make rules, &c.

3. Any person resident in Canada or any person being a British subject, and resident in Great Britain or Ireland, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statuary, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such persons, shall have the sole right and liberty of printing, reprinting, publishing reproducing and vending such literary, scientific or artistic works or compositions, in whole or in part, and of allowing translations to be made of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the title thereof in the manner hereinafter directed; but no immoral or licencious, treasonable or seditious book or any other such literary, scientific or artistic work or composition shall be the subject of such registration or Copyright.

Who may have copyright in Canada.

4. If at the expiration of the aforesaid term, such author, or any of the authors, where the work has been originally composed and made by more than one person, be still living, and residing in Canada or in Great Britain or Ireland, or being dead, has left a widow or a child, or children living, the same exclusive right shall be continued to such author, or if dead, then to such

Renewal and continuation of copyright.

widow and child or children, (as the case may be) for the further time of fourteen years ; but in such case within one year after the expiration of the first term, the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original Copyrights shall be complied with in respect to such renewed Copyrights. 5

Record of renewal to be published.

5. In all cases of renewal of Copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the *Canada Gazette*. 10

Deposit of copies in the office of the Minister of Agriculture.

6. No person shall be entitled to the benefit of this Act, unless he has deposited in the Office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary and sculptures, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the same to be recorded forthwith in a book to be kept for that purpose, in the manner prescribed by the rules and forms which may be made, from time to time, as herebefore provided, for which record the person claiming such right as aforesaid, shall pay into the hands of the Minister of Agriculture *one dollar*, and the like sum for every copy actually given to such person or his legal representatives, and the sums so paid shall be paid over to the Receiver General to form part of the Consolidated Revenue of Canada. 15 20 25

One to be sent to Library of Parliament.

7. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut or engraving aforesaid, to be deposited in the Library of the Parliament of Canada. 30

Notice of copyright to appear in work.

8. No person shall be entitled to the benefit of this Act, unless he gives information of the Copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music or engravings, upon the title or frontispiece thereof, the following words, that is to say : " Entered according to Act of the Parliament of Canada, in the year " by A. B., in the Office of the Minister of Agriculture." But as regards paintings, drawings, statuary and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship. 35 40

Publication in Canada.

9. To entitle any such literary production or engraving as is in this Act mentioned, being the work of any such person residing in Great Britain or Ireland, to the protection of this Act, 45

the same shall be printed and published in Canada, and shall, in addition to the words directed to be inserted by the last section of this Act, and immediately following thereafter, contain the name and place of abode or business in Canada
5 of the printer and publisher thereof.

10. If any other person, after the recording of the title of any book according to this Act, within the term or terms herein limited, prints, publishes or imports, or causes to be printed, published or imported, any copy or any translation of such book without the consent of the person legally entitled to the Copyright thereof, first had and obtained by deed duly executed, or, knowing the same to be so printed or imported, publishes, sells, or exposes to sale or causes to be published, sold or exposed to sale any copy of such book without such
15 consent in writing, such offender shall forfeit every copy of such book to the person then legally entitled to the Copyright thereof; and shall forfeit and pay *two dollars*, for every such copy which may be found in his possession, either printed or printing, published, imported or exposed to sale, contrary to the
20 intent of this Act; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such Copyright, to be recovered in any Court of competent jurisdiction.

Penalty for infringement of copyright of books.

25 11. If any person, after the recording of any painting, drawing, statuary or sculpture work, within the term or terms limited by this Act, reproduces in any manner or causes to be reproduced, made or sold, in part or in the whole, copies of the said works of arts, without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate
30 or plates on which such reproduction has been made, and also every sheet thereof so copied, printed or photographed to the proprietor or proprietors of the Copyright thereof and shall further forfeit *two dollars* for every sheet of the same reproduction so published or exposed to sale contrary to the true intent and
35 meaning of this Act; and one moiety of such forfeiture shall go to the proprietor or proprietors and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

Penalty for infringement of copyright of painting, &c.

40 12. If any person, after the recording of the title of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either in the whole or by varying, adding to or diminishing the main
45 design, with intent to evade the Law, or prints or imports for sale, or causes to be printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the Copyright thereof, first obtained, as aforesaid, or know-

Penalty for infringement of copyright of print, &c.

ing the same to be so printed or imported without such consent, publishes, sells or exposes to sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print, without such consent, as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print, has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the proprietor or proprietors of the Copyright thereof, and shall further forfeit *two dollars* for every sheet of such map, musical composition, print, cut or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this Act; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

Temporary registration to secure copyright.

13. A literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical may be the subject of registration within the meaning of the present Act, while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the office of the Minister of Agriculture, the registration fee be duly paid and that every separate article so published is preceded by the words "Registered in accordance with the Copyright Act of 1868"; but the work when published in book or pamphlet form, shall be subject, besides, to the other requirements of this Act.

14. Nothing herein contained, however shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be Copyright in some other representation of such scene or object.

Copyright of work made to order, &c.

15. Whenever the author of a literary, scientific or artistical work or composition which may be the subject of Copyright has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such Copyright, which is by the said transaction virtually transferred to the purchaser who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

Damages for infringement of copyright.

16. If any person prints or publishes any manuscript whatever in Canada, or the same having been printed or published elsewhere, offers it or causes it to be offered for sale in Canada, without the consent of the author or legal proprietor first obtained, such author or proprietor being resident in Canada, or being a British subject resident in Great Britain or Ireland, such person shall be liable to the author or proprietor for all

damages occasioned by such injury, to be recovered in any Court of competent jurisdiction.

17. If any person prints, publishes or reproduces any book, map, chart, musical composition, print, cut or engraving, or other work of art or photograph and not having legally acquired the Copyright thereof, inserts therein, or impresses thereon, that the same hath been entered according to this Act, or words purporting the same, every person so offending, shall incur a penalty not exceeding *sixty dollars*, (one moiety thereof to the person who sues for the same, and the other moiety to the use of Her Majesty,) to be recovered in any Court of competent jurisdiction.

Penalty for falsely pretending to have copyright.

18. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arose.

Limitation of actions.

19. All Copyrights heretofore acquired under the Acts or parts of Acts hereby repealed, shall, in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the Province or Provinces to which they now extend, as if such Acts were not repealed.

Unexpired copyrights continued.

20. Chapter eighty-one of the Consolidated Statutes of the late Province of Canada, and chapter one hundred and sixteen of the Revised Statutes of Nova Scotia, (third series), and all other Acts or parts of Acts, inconsistent with the provisions of the present Act, are hereby repealed, subject to the provisions of the next preceding section.

Repeal of Acts

21. In citing this Act it shall be sufficient to call it "The Copyright Act of 1868."

Short title.

1st Session, 1st Parliament, 31 Victoria, 1868.

Y.

BILL.

An Act respecting Copyrights.

Received and read first time, Friday, 15th
May, 1868.

Second reading, Monday, 18th May, 1868.

HON. M. CHAPUIS.

Printed by G. E. Desbarats.

BILL.

An Act for the release and surrender of Offenders wrongfully arrested in certain cases.

WHEREAS, it may happen, through excess of zeal on the part of Preamble.
Officers of Justice, or from other causes, that persons accused or
suspected of having committed criminal offences in Canada may be
unlawfully and wrongfully arrested in the United States and brought
5 to Canada and here held in custody, and it is expedient to provide for
the release of such persons and their safe conveyance back to the terri-
tory of the United States ; Therefore, Her Majesty, by and with the
advice and consent of the Senate and House of Commons of Canada,
enacts as follows :—

10 **1.** Whenever it shall be made to appear to the Governor by the Governor may
Judge before whom any prisoner in Canada has been brought up upon order release,
a writ of *Habeas Corpus ad Subjiciendum*, that although the commitment &c., of offen-
and detainer of such prisoner is according to law, such prisoner was der, certified
first arrested in the United States of America and was brought from to him by a
15 thence into Canada without the observance of the process and formalities Judge to have
required by law in that behalf, or otherwise wrongfully or unlawfully wrongfully
in any respect, and was committed and is detained in custody arrested in
on a charge of felony or misdemeanor, committed in Canada before he the United
was so arrested, the Governor may, either of his own motion or upon States.
20 being requested so to do by any person acting for or on behalf of the
Government of the said United States, by warrant under his hand and
seal, order such person to be released from confinement or to be safely
conveyed out of Canada into the said United States, or to be delivered
up to any person authorized to receive such person in the name and on
25 the behalf of the said United States, and such person shall be released,
conveyed or delivered up accordingly.

2. It shall be the duty of every Judge before whom any person is Duty of
brought up upon a Writ of *Habeas Corpus ad Subjiciendum*, upon being Judges in
convinced that such person is entitled to be released, conveyed out of cases under
30 Canada or delivered up as aforesaid under this Act, to remand such this Act.
person until the pleasure of the Governor, with respect to him shall be
known, and forthwith to report his opinion on the case to the Governor.

1st Session, 1st Parliament, 31 Vic., 1868.

V

BILL.

An Act for the release and surrender of offenders wrongfully arrested in certain cases.

Received and read, first time, Friday, 15th May, 1868.

Second Reading, Saturday, 16th May, 1868.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY.

BILL.

An Act respecting the commencement of certain Acts of this Session therein mentioned.

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

1. For and notwithstanding anything to the contrary contained in the Act of this present Session of Parliament, intituled: "An Act for
5 "the better security of the Crown and of the Government," the said Act shall commence and take effect on the first day of July, in this year of our Lord one thousand eight hundred and sixty-eight.

2. For and notwithstanding anything to the contrary contained in the Act of this present Session of Parliament, intituled: "An Act re-
10 "specting the Civil Service of Canada," the said last-mentioned Act shall commence and take effect on the first day of July, in this year of our Lord one thousand eight hundred and sixty-eight.

1st Session, 1st Parliament, 31 Vic., 1868.

AA

BILL.

An Act respecting the commencement of certain Acts of this Session therein mentioned.

Received and read, first time, Monday, 18th May, 1868.

Second Reading, Monday, 18th May, 1868.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY.

BILL.

An Act respecting forgery, perjury, and intimidation in connection with the Provincial Legislatures and their Acts.

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

1. The Act chapter ninety-four of the Consolidated Statutes of Canada, intituled: "An Act respecting Forgery," is hereby extended so as to apply as fully in each of the Provinces of Quebec and Ontario, as if it had been re-enacted at the time of the Union with the following extensions: Chapter 94 of Con. Stat. Can. extended to Ontario and Quebec.

1. The Great Seals mentioned in section one of the said Act shall include and mean the Great Seal of each of the said Provinces respectively;

3. The Seal at Arms mentioned in section two of the said Act shall include and mean the Séal at Arms of the Lieutenant Governor of each of the said Provinces respectively;

4. All words mentioning or referring to the late Province of Canada, or the Legislature or Statutes thereof, shall include and mean each of the said Provinces, and the Legislatures and Statutes thereof respectively.

2. Whosoever forges, counterfeits or imitates or procures to be forged, counterfeited or imitated any stamp or stamped paper, issued or authorized to be used by any Act of the Parliament of Canada, or the Legislature of any of the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick, by means whereof any duty thereby imposed, or any sum of money may be paid, or any part or portion of any such stamp, or knowingly uses, offers, sells or exposes to sale, any such forged, counterfeited or imitated stamp, or engraves, cuts, sinks or makes any plate, die or other thing whereby to make or imitate such stamp or any part or portion thereof, except by permission of any officer or person who, being duly authorized in that behalf by the Government of Canada, or of any of the Provinces aforesaid, may lawfully grant such permission—or has possession of any such plate, die or other thing, without such permission, or without such permission uses or has possession of any such plate, die or thing lawfully engraved, cut or made,—or tears off or removes from any instrument, on which a duty or sum of money is payable, any stamp by which such duty or sum of money has been wholly or in part paid, or removes from any such stamp any writing or Forgery of certain stamps to be felony and punished accordingly.

mark indicating that it has been used for or towards the payment of any such duty or sum of money—shall be deemed guilty of felony, and shall on conviction be liable to be imprisoned in the Penitentiary of the Province in which the offence was committed for any term not exceeding twenty-one years and not less than two years, or in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement. 5

Contravention of Provincial Acts, a misdemeanor.

3. Any wilful contravention of any Act of the Legislature of any of the Provinces within Canada, which is not made an offence of some other kind shall be a misdemeanor, and punishable accordingly. 10

Consequences of oath under Act of Provincial Legislature.

4. Any oath or soleum affirmation now or hereafter made, subscribed or administered under the authority of any such Act shall be as binding, and shall entail the same legal liabilities and the same consequences with respect to false swearing, perjury or subornation thereof, as if such oath or affirmation were made, subscribed or administered under the authority of an Act of the Parliament of Canada, or of any Act or law in force in such Province at the time of the Union. 15 20

Conspiracy to intimidate a Provincial Legislative body a felony.

5. Whenever two or more persons confederate, combine or conspire to do any act of violence, in order to intimidate, or to put any force or constraint upon any Legislative Council, Legislative Assembly or House of Assembly in any one of the provinces within Canada, each of such persons shall be guilty of felony, and on being convicted thereof, shall be imprisoned in the penitentiary of the Province in which the offence was committed, for any time not less than two years nor more than years, or in any other prison for any period less than two years with or without hard labor. 25

B. B.

BILL.

An Act respecting Forgery, Perjury and intimidation in connection with the Provincial Legislatures and their Acts.

Received and read first time, Monday, 18th May, 1868.

Second reading, Monday, 18th May, 1868.

HON. MR. CAMPBELL.

BILL.

An Act relating to interest in Nova Scotia.

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

1. No greater amount than the sum of seven dollars on the
5 hundred dollars per annum, and at and after that rate for a longer or shorter period, shall be recovered in any Court of law as interest on any contract entered into within the Province of Nova Scotia, except in cases of hypothecation as provided in section three, chapter eighty-two, of the Revised Statutes of
10 that Province, second series.

2. When no rate of interest is agreed upon in writing, six per cent per annum shall be held to be the legal rate in Nova Scotia.

3. Section one of said chapter eighty-two, second series, is
15 hereby repealed.

1st Session, 1st Parliament, 31 Victoria, 1868.

C. C.

BILL.

An Act respecting Interest in Nova
Scotia.

Received and read first time, Wednesday, 20th
May, 1868.

Second reading, same day.

HON. MR. MCCULLY.

Printed by G. E. Desbarats.

